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Comm. on local govt.
SENATE LOCAL GOVERNMENT SUBCOMMITTEE
ON
LAND USE PLANNING

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Held In
Hearing Room A
Inglewood City Hall
105 East Queen Street
Inglewood, California

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Tuesday, November 26, 1974
9:30 O'clock a.m.

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SUBJECT: Interfaces between local, regional,
and state governments in the area
of long-range statewide land use
planning

STATE OF CALIFORNIA
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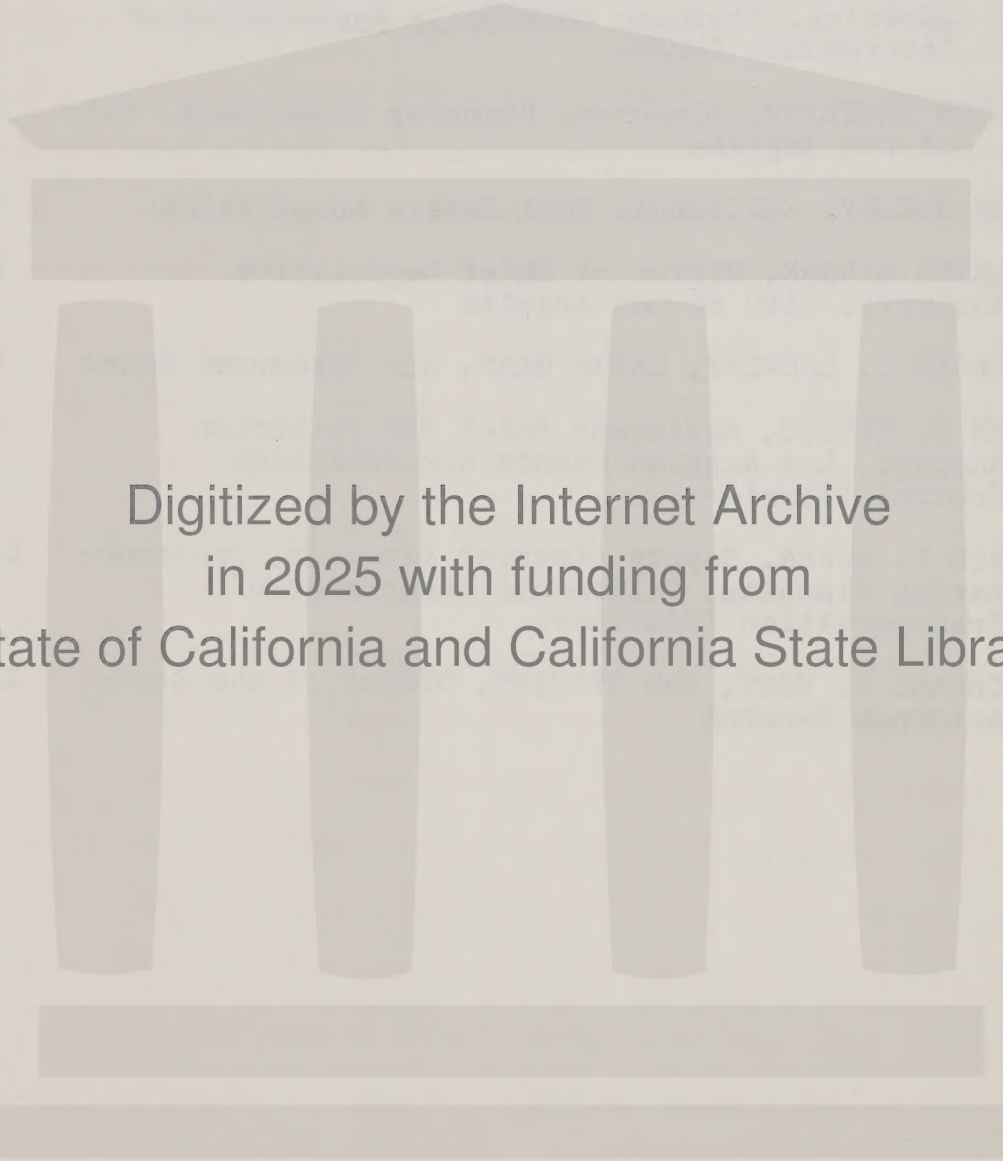
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Guy Guttadauro, Legislative Intern

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SENATE LOCAL GOVERNMENT COMMITTEE
SUBCOMMITTEE ON LAND USE PLANNING

THE CHAIRMAN: Good morning, I am Senator Arlen Gregorio. I am ^{Vice} Chairman of the Senate Local Government Committee, and I am sitting in today for Senator Petris, who is Chairman for the Subcommittee on Land Use Planning, which was created by the Senate Local Government Committee this last year. This subcommittee has been dealing with the question of long-range state planning process and has had several hearings. This is simply one in a series of hearings that have been had all over California with relation to the planning process.

With me this morning is Senator John Stull, who is a member of the Senate Local Government Committee and also, Senator Stull is from San Diego on my right. Also with us is consultant to the subcommittee Richard Harriman on my left and further subcommittee staff and intern Susan Carter.

The subject matter on which we will be concentrating today in relation to this hearing is interfaces between local, regional and state governments in the area of long-range statewide land use planning. We will be talking particularly about the interrelationship and interaction between the various levels of state and local governments, and state planning process, and even to the extent that do the witnesses think it is appropriate. I might

1 mention the relationships with the Federal government's
2 role in planning and some of the issues that we wanted
3 emphasized particularly at the option of any witnesses,
4 would be citizen participation. How do we maximize the
5 citizen participation? We have tried in our hearings
6 processes in the law in California to make it easier to
7 have input from citizens, but there still is some dissat-
8 isfaction with the present status of that opportunity, and
9 if you have additional suggestions on what we ought to do
10 to stimulate citizen participation, we would like to have
11 your comments there. What are the problems with regard to
12 data generation? How might it may be remedied? How do we
13 consider the socio-economic factors such as housing, employ-
14 ment, and other of these factors in the planning process?
15 How do we come by working regional boundaries and desig-
16 nating the planning jurisdictions at various levels? How
17 do we coordinate better the planning with regard to differ-
18 ent jurisdiction's interagency coordination? We have made
19 an attempt to do that. Are we doing a good job? Are the
20 things that we ought to be doing that we are not? And
21 finally, with relation to the long-range aspects of planning
22 what are the major problems that make it difficult for us
23 to enter into really meaningful long-range planning both at
24 the local level and at the state level in California, and
25 what can we do about those things? We are looking for
26 information. We would like to have your comments about
27 any of these things or other things dealing with the state-
28 wide planning process or planning process towards the local

1 level. This is a general hearing. You can see that the
2 scope of our interest is very wide, and we'd like to have
3 your comments on those, or any part of them.

4 With that, I think the first witness who has
5 indicated that he is willing and interested in testifying
6 is a representative of the Southern California Association
7 of Governments, Dr. Jarvey Gilbert, who is president of that
8 organization. Mr. Gilbert, if you would like to sit down
9 at the table here.

10 DR. GILBERT: Honorable gentlemen, my name is Jarvey
11 Gilbert, and I am President of the Southern California
12 Association of Governments. With me today to help in pro-
13 viding details and answering questions you may wish to ask
14 are Mr. Ray Remy, our executive director and Edward Holden,
15 director of planning.

16 We appreciate this opportunity to participate
17 in your deliberations on issues involved with the interfaces
18 between local, regional and state governments in the area
19 of long-range statewide land use planning. Over a period
20 of time our association has expressed a number of positions
21 regarding this subject which I will outline for you. In the
22 course of these remarks it is our intention to address
23 various aspects of the three questions you have asked in
24 your notice of hearing.

25 Where we find that most knowledgeable persons
26 today have heard of SCAG as an organization, this has not
27 always been so. Permit me to talk for a moment about our
28 organization. SCAG is composed of six county governments

1 of Imperial, Los Angeles, Orange, Riverside, San Bernardino,
2 and Ventura Counties, and 121 cities in these counties, who
3 have agreed to join together to find solutions to problems
4 that transcend local government boundaries.

5 The general assembly and the executive committee
6 are the policy bodies of SCAG. Meeting semiannually, the
7 general assembly is comprised of an elected delegate from
8 each member county and city, either the mayor or designated
9 councilman, plus three additional delegates from the City
10 of Los Angeles. We also have an 18-member executive com-
11 mittee which meets monthly and is composed of supervisors,
12 mayors, and councilmen from throughout the region.

13 From its inception a major purpose of the asso-
14 ciation has been to establish and carry forward a comprehen-
15 sive planning process including land use. Our professional
16 planners, from throughout the six-county region, have been
17 involved through a Council of Planners, and our elected
18 officials and top administration have played a major role
19 in the organization through their membership on our policy
20 committee. SCAG plans and programs are set forth in a num-
21 ber of current reports of which the most pertinent to our
22 remarks today is our "Development Guide" which serves as
23 the underlying base of our planning work.

24 Last year our organization testified that there
25 is an appropriate role in Comprehensive Planning, at each
26 of the state, region, and local levels and that these are
27 and must be regarded as interrelated.

28 SCAG supports the concept that there be one

1 agency at the state level responsible for comprehensive plan
2 development, including the promulgation of policies and
3 guidelines for growth and development and environmental
4 protection within the state. Such plans should include
5 identification of areas of critical state concern and key
6 facilities for the state, studies of their impacts and
7 regulations pertaining to these facilities and areas.

8 At the same time, we believe that there is an
9 essential role for regional planning which exists and should
10 be recognized as an essential element in any state or
11 national land use legislation.

12 We strongly support the following principles
13 in the establishment of appropriate planning relationships.
14 Land use control is now primarily vested in local governments
15 and as such their plans and programs should comprise the
16 basic building block for any planning process whether it
17 be state or regional. The goals and purposes of SCAG, is
18 to preserve home rule. We think that this is essential.
19 This is a basic principle in the preparation of SCAG plans.
20 These local plans should reflect state and regional guide-
21 lines and planning requirements contained in state codes.

22 The regional planning process should be built
23 on local plans developed within regional and state guide-
24 lines and should never be an attempt to do all planning at
25 the regional level. The decision-making mechanisms estab-
26 lished at the regional level should be composed of elected
27 officials from local government.

28 THE CHAIRMAN: Let me ask you something. You say that

1 the regional planning process should be built on local plans
2 and should never be an attempt to be planning at the regional
3 level. What do we do when the problems that we are address-
4 ing by creating a regional planning agency in the first
5 place transcend local boundaries, let's say, air pollution,
6 where each city goes on planning its own facilities which
7 contribute to the air pollution problems of a region, and
8 where the regional planning agency wants to address those
9 air pollution problems. How can we build a plan that simply
10 puts together the building blocks of the local plans with-
11 out doing something more in order to be effective, say, air
12 pollution?

13 DR. GILBERT: I think that sometimes there are certain
14 problems that have been made, however, certain problems,
15 for example air pollution, is a regional problem.

16 THE CHAIRMAN: Doesn't that by its very nature indi-
17 cate that the planning has to be initiated at the regional
18 level to some extent?

19 DR. GILBERT: Yes. That's true to a certain extent.

20 THE CHAIRMAN: Well, now, how does that square with
21 what you said with "C" here?

22 DR. GILBERT: Well, what I have said is the basic.
23 Now, what happens here is that you have individuals where
24 elected officials from local government supposedly reflected
25 the viewpoint of the local government, who meet at this
26 regional level to solve a regional problem.

27 THE CHAIRMAN: Right.

28 DR. GILBERT: Now, the regional organization doesn't

1 go into that city or that jurisdiction and say, you can't
2 do this or you can't do that. We have our own guidelines
3 from which they should go along with. Maybe Mr. Remy could
4 explain this a little bit better.

5 THE CHAIRMAN: Well, you know again what I am wondering
6 is you say that the regional planning process should be built
7 on local plans, and should never be an attempt to do planning
8 at regional levels. Now, basically what I am wondering is
9 don't we have to initiate planning policies at least to some
10 extent at the regional level? How could we possibly accom-
11 plish the progress toward air pollution for example?

12 DR. GILBERT: I think the regional organization would
13 arbitrate and coordinate. That would be the goal of the
14 regional group. If we would arbitrate and reconcile differ-
15 ences, that would be worthwhile.

16 THE CHAIRMAN: I notice you have that mentioned later
17 on in your statement, but arbitrating differences is some-
18 thing less isn't it than getting together at the regional
19 level and establishing standards which then you try to have
20 the aggregate of the planning of each of the local juris-
21 dictions meet on some kind of a regional basis, and isn't
22 it the proper function of regional planning to go that step
23 beyond simply arbitrating toward establishing regional
24 standards and goals?

25 DR. GILBERT: We believe we ought to have regional
26 standards and goals which are guidelines.

27 THE CHAIRMAN: Yes, okay, thank you.

28 SENATOR STULL: But Mr. Chairman, he contradicts himself

1 between "A" and "B" because he says local use control is
2 vested in local government, and then "B" he says, these
3 local plans have got to reflect from the state, or regional
4 guidelines set out; isn't that contradictory?

5 DR. GILBERT: Not necessarily. I think that the cities,
6 while they are the prime government agency for the local
7 levels, they should go along with and they do go along with
8 state codes and state guidelines all the time.

9 SENATOR STULL: And is it local?

10 DR. GILBERT: I beg your pardon?

11 SENATOR STULL: Is it then local if they do that?

12 DR. GILBERT: Well, I think there is only so much that
13 local government is allowed to do, and can do. Some things
14 are preempted by the state, as they are now.

15 SENATOR STULL: Okay. I will have more on this later.

16 THE CHAIRMAN: I'm sorry for interrupting you. You
17 were just finishing No. "C" there.

18 DR. GILBERT: Not at all. Under "D" there should be
19 one such agency assigned the responsibility for this effort
20 within each of the state's major regions. In the absence
21 of more definite sub-state district policy upon the part of
22 the administration, it is recommended that legislative action
23 should support the concept of utilizing the designated A-95
24 review agencies in the state, and in addition should support
25 statutory recognition of these agencies. These regional
26 agencies should be comprehensive in nature and should have
27 the regional transportation planning responsibility recognize
28 by the state in A. B. 69.

1 Within state adopted guidelines, the multi-purpose
2 regional planning agency within each region should develop a
3 comprehensive plan which provides the regional element of the
4 overall state plan. This planning process should include the
5 development and establishment of a regional growth policy
6 together with appropriate supporting functional plan elements.

7 The state planning agency or commission should
8 adopt the policies and plans of regional councils, as long
9 as they are in accord with overall adopted state guidelines.

10 To the greatest extent possible basic regulatory
11 and administrative activities should not be placed at the
12 state level, but rather should be delegated to appropriate
13 local and regional agencies.

14 A prime responsibility of the regional agency
15 should be to arbitrate and reconcile differences between
16 inconsistent local plans.

17 The state agency should have a similar responsi-
18 bility in arbitrating and reconciling differences between
19 regional plans.

20 Although a number of legislative proposals recog-
21 nize the need for local participation in the statewide
22 planning and development including planning for areas of
23 critical state concerning key facilities, the scope, timing,
24 and mechanisms of that participation, are seldom clearly
25 specified. We are deeply concerned over these measures
26 that's failure to define a clear regional role as an essen-
27 tial element of state planning process.

28 On the other hand, we have strongly supported

1 A. B. 69, the State Department of Transportation Act, which
2 created a constructive state-regional-local relationship.
3 Under A. B. 69, the concept is followed that the statewide
4 transportation plan shall be based on the adopted regional
5 transportation plans prepared by the officially recognized
6 regional agencies. In this six-county region, SCAG performs
7 this regional role. The state has provided effective policy
8 guidelines and also significant funding resources for the
9 development of these plans.

10 To the extent that legislation may create a land
11 use or other planning commission at the state level, this
12 commission should have intergovernmental representation
13 along a pattern similar to the Council on Intergovernmental
14 Relations. The commissioners should not be full-time, but
15 meet as necessary to conduct business, and should receive
16 adequate reimbursement for expenses. The latter provision
17 would be reasonable for local elected officials, and others,
18 given the very heavy demand on a commissioner's time.

19 While we believe that local government should
20 contribute funding support for the planning activity, we
21 also believe that the state has a major responsibility for
22 financing this activity. Consistent with the intent of
23 S. B. 90, contemplated new elements of the planning process
24 have statewide implications and the state should financially
25 participate in the support of the planning process at the
26 state and regional level. This financial support should be
27 consistent with sub-state districting and recognition of a
28 single regional planning agency for each district.

1 Among examples of planning in concert with the
2 above state planning principles is the Southern California
3 Regional Development Guide, which was first adopted in
4 January, 1972, by the Association's Executive Committee.
5 This guide contains a statement of goals and policies, which
6 taken together are the building blocks of the regional
7 growth policy. Within the guide, future population, general
8 land use, and employment growth are allocated to regional
9 statistical areas so as to be consistent with the guide's
10 goals and policies. This is done by analyzing alternative
11 possible future growth patterns. The guide is developed
12 in closest possible coordination with the local governments,
13 but is also related to statewide growth parameters. It con-
14 siders social and economic factors as well as physical and
15 serves to integrate different functional plans and programs.
16 It is also regularly revised and updated.

17 THE CHAIRMAN: Does your guide say where you think
18 there should be more low income housing, where you think
19 particular kinds of new jobs can be created, and how does
20 it suggest the local government things like that?

21 DR. GILBERT: Not to local government as one unit, but
22 for the area.

23 THE CHAIRMAN: Well, as I understand the guide, it's
24 simply a compilation of goals that you want to see reached
25 in the region with some indication as to how these goals
26 can be met in terms of allocating them among the various
27 localities within the region; isn't that correct?

28 DR. GILBERT: Yes, sir.

1 THE CHAIRMAN: So if you have say regional goals for
2 increased low income housing, does your guide seek to allo-
3 cate some suggestive method whereby in each area additional
4 low income housing might be generated?

5 DR. GILBERT: It may not suggest exactly where it ought
6 to be. It might suggest how much it ought to be.

7 THE CHAIRMAN: So how much in the region?

8 DR. GILBERT: No. In various areas to --

9 THE CHAIRMAN: Would it suggest Inglewood needs a
10 thousand units or --

11 DR. GILBERT: It would -- for example, if our guide
12 says there should be a population density of so much, some-
13 one wants to build more homes in that area, or they're
14 requiring federal funds or some type of federal support,
15 then we tell them that, or we comment on this, and that
16 just doesn't fit in with the overall planning for the region,
17 and you are putting too many people in that area. We can't
18 tell the jurisdiction.

19 THE CHAIRMAN: All you can do is suggest. I understand
20 that.

21 DR. GILBERT: To go along with the plan otherwise they
22 may not get the federal support.

23 THE CHAIRMAN: These are the population parameters are
24 very broad, but now I'm a little bit into the area of social
25 economic factors and let's talk about low income houses.

26 MR. REMY: In the area of substantial interest in quite
27 a few parts of the country, it's called the housing alloca-
28 tion model, the housing allocation plan. Some of our

1 constituent units for example San Bernardino County, have
2 dropped rather substantially into the housing allocation.
3 We have not done it on a regional basis in the sense of
4 allocating out certain specific amounts of low income houses.

5 THE CHAIRMAN: You have regional goals?

6 MR. REMY: We do have regional goals looking at the
7 general housing needs and hopefully the whole spectrum of
8 housing, not just low income. I think in addition there are
9 a number of other programs such as the transportation program
10 where we are in a position to allocate monies where we are
11 attempting to see that the transportation system is conducted
12 in such a way that it does meet the goals and objectives for
13 people who do need transportation from a place of housing
14 to get to their place of employment. So to that extent, we
15 are impacting and influencing the area, but to say that we
16 have a housing allocation model at this place in time is
17 not true.

18 THE CHAIRMAN: Then basically then how do you localize
19 these goals in terms of reacting to specific proposals at
20 the local level, rather than suggesting certain kinds of
21 things belong in this locality, and certain other kinds of
22 things belong in this other locality? And perhaps you can
23 go a little further than this in relation to transportation,
24 but outside of transportation, what I hear you saying basi-
25 cally is you are not suggesting specific kinds of develop-
26 ment for specific locality.

27 MR. REMY: You are staying within the housing field.
28 We would not be suggesting that they need this sort of

1 housing within their corporate limits.

2 THE CHAIRMAN: But let's go on that for a moment, now.
3 You are suggesting certain types of transportation for a
4 particular locality. Aside from that, what other areas or
5 what other things are you suggesting specifically towards
6 specific localities?

7 MR. REMY: In your area of developing major plans and
8 public facilities, for example, water and sewer facilities,
9 open space preservation, these types of areas we are very
10 much concerned. We have identified the major open space.

11 THE CHAIRMAN: So you have said we need to retain this
12 particular open space in this locality, and we want to work
13 with that local government in trying to --

14 MR. REMY: Or as a series of local government, as the
15 case of Chino Hills, the wilderness area, we have many par-
16 ticipants and sponsors in a majority in open space areas in
17 Chino Hills. We have been concerned with the Santa Monica
18 Mountains. We have been concerned about beaches and how
19 do those areas -- preservation of those areas relate to the
20 overall population in the region, and capability of that too.
21 I think all of these things relate basically to a comprehen-
22 sive look at the planning process.

23 THE CHAIRMAN: And further you indicated that you have
24 specific suggestions with regard to water quality and sewage
25 disposal?

26 MR. REMY: When you say "specific suggestions" we have
27 suggestions in terms of location of facilities, and sizing
28 of facilities, but not regulatory suggestions as to standards

1 We wouldn't get into the business of the water quality people
2 in saying that certain standards of water quality --

3 THE CHAIRMAN: No, but you are suggesting certain spe-
4 cific facilities in certain specific localities?

5 MR. REMY: These are based and focused upon the projec-
6 tions of need that we see in a regional basis working with
7 the city and county planners. We are not telling a city
8 planner that you suddenly need a major solid waste disposal
9 site. What we are saying is that there may be a major need,
10 and it's up to a series of jurisdictions to come to a con-
11 clusion.

12 THE CHAIRMAN: In fact, you might suggest to half a
13 dozen different local jurisdictions you should get together
14 in planning these facilities?

15 MR. REMY: Perhaps even suggest more strongly if you
16 don't get together in planning, the need is still there and
17 something else is going to make these decisions.

18 THE CHAIRMAN: But these specific recommendations
19 appear in your plan?

20 DR. GILBERT: We were talking about the guide, and that
21 it was regularly revised and updated. It was initiated in
22 1969 when necessary data was assembled, trends were iden-
23 tified, and a simple growth allocation model was conceived,
24 programmed and operated. The first sets of alternative
25 growth forecasts were developed in 1970 and were substan-
26 tially revised during 1971. The first sets of functional
27 area goals and policies and a preferred allocation were
28 formed by policy committees and adopted in 1972 by the SCAG

1 general assembly after extensive review with cities and
2 counties. Policies, including growth forecast revisions,
3 were again considered and adopted in early 1974. Further
4 refinements are presently being prepared for consideration
5 in early 1975. Implementation of the goals and policies of
6 the adopted growth allocation occurs through functional
7 planning, A-95 review and environmental impact reports
8 review.

9 SENATOR STULL: Mr. Chairman.

10 THE CHAIRMAN: Yes.

11 SENATOR STULL: What about this implementation of goals
12 and policies and of the adopted growth allocation? What does
13 that mean? Does this body consider growth allocation?

14 DR. GILBERT: We, in our guidelines -- we have certain
15 little areas that should have certain populations.

16 SENATOR STULL: That you determine?

17 DR. GILBERT: Yes. Well, we have statistical area and
18 as we have three or four different alternatives as to the
19 rapid growth in the future. We could plan for ten years or
20 15 years. That's 1990. And we have revised these realizing
21 that the growth has not been as rapid as it was anticipated
22 say for example in 1971 when we expected the straight line
23 curve. It's flattened out. The area in our region, parti-
24 cularly Los Angeles area, is rather static, while Orange
25 County's still going up, and we have in the guide statistical
26 information relative to the expected population growth along
27 with what we think ought to be in that area.

28 SENATOR STULL: What if it exceeds it?

1 DR. GILBERT: I beg your pardon?

2 SENATOR STULL: What if Orange County exceeds your
3 expectations?

4 DR. GILBERT: You mean they grow faster than we expected
5 them to?

6 SENATOR STULL: Yes.

7 DR. GILBERT: Well, this is one of the problems we
8 think the growth policy ought to be within certain param-
9 eters. We don't think that they ought to pursue a rapid
10 growth policy. We have no way of controlling it whatsoever,
11 because we are not allowed to implement anything that we may
12 stand for, except where federal funds are involved. For
13 example, right now we have a problem in one of the areas
14 in that area with building of more homes than we think ought
15 to be built there. Well, it goes through a federal housing.
16 We say if it's federal funding, we can comment on this and
17 say federal funds ought not be used for housing, because
18 this does not meet the forecasts of the SCAG statistical
19 information. In other words, you are building too many
20 people in that area to handle. You are going to increase
21 pollution beyond what we think ought to be done. You have
22 transportation problems. You are going to have school
23 problems. You are going to have everything else that the
24 region does not want. So we can comment on that to the
25 Federal government. We did do the same thing with water.
26 We can tell Orange County when they say they want to build
27 a water reclamation plant, or that we are going to build a
28 dam on a river, and say that let's sit down and talk about

1 these things. And usually, the local jurisdictions, the
2 counties and cities, get together and realize that the best
3 thing to do is to do this and coordinate the project with
4 the other cities and the counties and not step on their toes.

5 SENATOR STULL: This is a club you have in your hand
6 that it has always been difficult for me to understand these
7 council governments, and groups like SCAG and CPO, and so
8 forth keep announcing to the world that they are nothing but
9 planning groups. And yet you hold a very strong club in your
10 right hand and a mace in the other one. You are getting
11 into the money standpoint.

12 DR. GILBERT: We don't look at it that way.

13 SENATOR STULL: Well, I look at it that way.

14 DR. GILBERT: Well, fortunately, we haven't had to use
15 that club, not to the detriment, but to the advantage of that
16 local agency that originally asked for the grant. And we
17 have examples whereby we have saved the tax payer money, by
18 instead of their projecting a growth pattern of the year
19 2000 where they are going to need a water plant of so much,
20 we say that you are not going to have that much population
21 then. You are spending extra millions to build a plant that
22 is larger than you should need by that year. And you can
23 save the Federal government more money by building a smaller
24 plant, and meet the needs of your group. Whether it's several
25 cities or counties, whatever it may be, and when our staff
26 sits down and talks to these people, they realize that their
27 statistics may not be correct, and our statistics are more
28 correct, and they end up saving the tax payer money. And we

1 would hope that this would go along with disposal with all
2 kinds of planning processes whereby the purpose of this is
3 to get the groups together to coordinate, to reconcile.

4 SENATOR STULL: Now, I think maybe another subject that
5 we could have considered in the hearings today was some dis-
6 cussion between -- on the meaning of the word "planning" as
7 opposed to control. And I hope maybe future witnesses might
8 discuss that a little bit because I think it's nonsense to
9 call these people planning groups when they have this kind
10 of control.

11 DR. GILBERT: Just a little bit more about SCAG. We
12 are pleased with the progress that our planning program has
13 made over these past years, however there is still strong
14 need for additional refinement, improvement, and local
15 acceptance of the effort. In conclusion, we are proud to
16 report that we can see increased participation and commit-
17 ment by our cities and counties in seeking planning solu-
18 tions at the regional level.

19 Since our last general assembly in February of
20 this year, we have had ten more cities join SCAG, and three
21 cities rejoin SCAG. This totals 13 new cities representing
22 a population of over 600,000 people who have affiliated
23 with the SCAG organization since February. The legislature
24 will be considering new land use, environmental and other
25 planning bills over the next two years. We urge you in your
26 deliberation on these bills to give due consideration to
27 some of the basic points that we have talked about this
28 morning. Only through cooperative partnership, can we

1 effectively move towards solving our problems.

2 THE CHAIRMAN: Senator Stull, do you have any questions?

3 SENATOR STULL: No.

4 THE CHAIRMAN: Let me ask you some, then I think maybe
5 the consultant has a question to ask. How many jurisdictions
6 within your geographic area do not belong to SCAG?

7 DR. GILBERT: I think we have a hundred twenty-six out
8 of a hundred fifty-two. All the counties.

9 THE CHAIRMAN: All the counties belong?

10 DR. GILBERT: Yes. I think the population that belongs
11 over 90 percent of the population of the region.

12 THE CHAIRMAN: And just 26 cities?

13 DR. GILBERT: Something like that, don't belong.

14 THE CHAIRMAN: What kind of citizen participation have
15 you had in your deliberations?

16 DR. GILBERT: We feel we have had excellent citizen
17 participation. For example, on our transportation, on our
18 airport studies, we have had hearings throughout the regions
19 each of the counties. We have had staff and our publicity
20 people go out and also make presentations with publicity
21 ahead of time to get input from the citizens in the various
22 areas. And at some of our hearings on the transportation
23 plan, the one in Long Beach had several hundred people who
24 attended that. Then the hearing board made a presentation
25 to SCAG's executive committee on what this input was, and
26 then the executive committee also acted as a hearing board
27 on one occasion that people anywhere in the region could
28 also make their presentation to the executive board, and

1 before we acted on accepting any of these -- any part of
2 the transportation planning, we had hearings throughout the
3 area.

4 THE CHAIRMAN: What kind of things do you do in notify-
5 ing area's groups about your hearings and trying to stimulate
6 citizen participation, anything that we could learn from?
7 Anything unusual aside from simply designating a time and
8 place and letting the press know, and trying to again apply
9 a few major groups, anything beyond that?

10 MR. REMY: Well, the problem of notifying constituents
11 of ten and a half million is difficult as the job of the
12 legislature notifying the State of California. We do have
13 whenever we have a hearing or public presentation which we
14 are speaking in that type of general broad public involvement.
15 We have had excellent cooperation from the radio stations
16 with public service radio spots. We do have our own slide
17 presentations, media presentations, that are available to
18 all public hearings. We advertise in newspapers trying to
19 get newspaper press releases out on every hearing that we
20 have, and we have an ongoing public information program
21 meeting before committee groups on a regular basis. We are
22 trying to put notices in the Spanish speaking newspapers to
23 reach that segment of the community. We have been involved
24 in working with our regular committees to have meetings
25 throughout the region rather than in just SCAG, downtown
26 Los Angeles area. But all of that really only scratches
27 the surface. We have worked with the regional plan asso-
28 ciation with a citizens' group to some extent involving

1 their general assemblies, but it's an area that we can con-
2 stantly work on in order to make our message out, and also
3 to give their --

4 THE CHAIRMAN: Did you want to ask a couple of ques-
5 tions?

6 MR. HARRIMAN: I'd like to ask a question of Mr. Remy.
7 If you were to have your choice would you redefine the
8 boundaries of SCAG if you were not observing county lines?

9 MR. REMY: I speak here only as a staff person, not
10 committing the executive committee. I have said in other
11 public hearings that there are a variety of ways to approach
12 regional problems. To me the worst way to do is to create
13 a multitude of institutions, because to me that's fragmen-
14 tation, and it's wasteful, and it is also highly confusing.

15 THE CHAIRMAN: A variety of single purpose approaches.

16 MR. REMY: In the San Francisco Bay Area, when I last
17 counted, there was about 21 regional areas. The boundaries
18 of the regional agency, if you were going to draw them for
19 SCAG, I think it's difficult to justify 38,000 square miles.
20 We are dealing with the twelfth largest nation in the world
21 in terms of **gross** national product, on the other hand, to
22 try and encompass the most common of the regional problems,
23 and that is, the air quality problem. You wind up with
24 the south coast air basin and that does split the County of
25 Riverside, San Bernardino, and Los Angeles, and it would
26 place Imperial County in a separate region, and I think
27 there is a justification for a high desert region, as well
28 as a south coast basin region, but the political problems

1 of splitting county boundaries are pretty severe, and our
2 organization is not taking the position in support of that
3 move. However, I think it makes a much more logical explan-
4 ation.

5 MR. HARRIMAN: Thank you.

6 SENATOR STULL: Mr. Chairman.

7 THE CHAIRMAN: Senator.

8 SENATOR STULL: Do you know of any move in other than
9 just some back room discussion or occasional discussion on
10 changing county boundaries?

11 THE CHAIRMAN: I'm sorry. Were you asking me that?

12 SENATOR STULL: I was asking you.

13 THE CHAIRMAN: I am going to have to ask you to repeat
14 the question.

15 SENATOR STULL: Have you seen any serious talk on
16 changing county boundaries or change in this area?

17 THE CHAIRMAN: The most serious talk I have heard is
18 from our colleague, Senator Richardson, who was talking
19 about forming a separate county as I recall in Los Angeles
20 in the last couple of years. I don't know of anything else.
21 Do you know of anything?

22 MR. REMY: There are always as you may know and I would
23 not want to speak for the California Supervisor Association,
24 but they do have a major effort underway. And that report
25 was submitted to their general membership at their annual
26 meeting last week. I'm not familiar as to how extensive.
27 The report was adopted by the commission in terms of organ-
28 ization.

1 THE CHAIRMAN: Yes, Mr. Harriman.

2 MR. HARRIMAN: Excuse me. I'd like to ask you one
3 more question, Mr. Remy, and I know you can't answer this
4 from your position in SCAG. From talking with other people
5 in regional planning agencies, what seems to be the toughest
6 functional problem with regard to definition of boundaries?
7 In other words, is it something like criminal justice admin-
8 istration? Is it the air quality standards, which one seems
9 to pose the most problems with regard to county boundaries
10 as they stand at the present time?

11 MR. REMY: I think with regard to county boundaries
12 your environmental issues are the ones that are clearly
13 transcending any boundaries of existing cities and counties.
14 They are build on atmospheric and geographic constraints.
15 The toughest thing in the sense of trying to develop boun-
16 dary definitions, however is not the environmental issues.
17 It's the social issues because when you try and address a
18 problem, it may cross the boundaries of individual juris-
19 dictions, and yet try to put some sort of constraints on
20 where the boundaries of criminal justice enforcement or
21 social concerns or housing allocation is. What are the
22 legitimate boundaries to effectively effect those boundaries?
23 This particular problem is extremely difficult. There needs
24 to be a consistency in the sense that there needs to be
25 local government people dealing with these issues on a
26 regular basis, and on a coordinated basis, but what the
27 effective boundaries are is very open to public concern.

28 THE CHAIRMAN: Thank you very much for your testimony.

1 The next witness who had indicated a desire to
2 testify is Calvin Hamilton, Director of Planning Department
3 of the City of Los Angeles.

4 If you have a written statement, you could indi-
5 cate that when you come up, and give us copies. We would
6 appreciate it.

7 MR. HAMILTON: Mr. Chairman, and members of the com-
8 mittee, I apologize, I do not have a written statement. I
9 frankly forgot to put it together.

10 THE CHAIRMAN: Well, we are just as happy not to have
11 a very lengthy statement read, frankly.

12 MR. HAMILTON: First, I would like to point out that
13 the City of Los Angeles in 1972, or '73 rather, in November
14 did adopt a policy dealing with this issue, and I believe
15 transmitted it to the legislature through our legislative
16 analyst's office. What I think I was asked to do was to
17 give previously some of the problems as a local planner as
18 I see it dealing with some of the issues which you have
19 raised like the --

20 THE CHAIRMAN: Good.

21 MR. HAMILTON: I had an understanding of the problems
22 and conflicts between various levels of government in their
23 attempts to plan for their own jurisdictions. If I might
24 just briefly tick off some of these. One obviously is the
25 ability to protect agricultural land. The City of Los
26 Angeles in the past was founded because of pressures of land
27 value of pressure of taxation policies, of inability to
28 protect and hold agricultural land. And this affects counties

1 now more than it does the city, because we don't have much
2 left in the City of Los Angeles, but it's a major issue
3 which I think can only be resolved at the state level. This
4 is very analogous however to the problem of open space. We
5 find that the protection of open space and the retention of
6 land which is privately owned in open space even though we
7 have adopted an open space plan, even though we are attempt-
8 ing to adopt ordinances that are pretty stiff to implement
9 that, it's still quite difficult because it's privately
10 owned, the ability to maintain those areas of open space is
11 a major issue, and is constantly debated between the land-
12 owner, the city, the inability to have the money to acquire
13 that open space, just how far legally can you go in reducing
14 the permitted right to use that land. A good deal of the
15 open space in the city is not really usable as agriculture.
16 Much of it, of course, is in the mountains, which is extremel
17 steep, these are all very difficult issues, and as I observe
18 working with my fellow planners, through SCAG, within this
19 region, there badly needs to be a state policy which gives
20 muscle, I guess I'd have to say to the local city to be able
21 to somehow or other save that open space and still be within
22 the legal limits of case law of application of zoning and
23 this sort of thing.

24 THE CHAIRMAN: You make the distinction between cities
25 and counties, you say that the cities need this more than
26 the counties, or vice versa.

27 MR. HAMILTON: No. I'm sorry. I didn't mean to say
28 that. I said both need it. I would say the distinction --

1 I meant to make in agriculture with the whole county's faith,
2 the problem of protecting agriculture more than cities do
3 and -- but the issue of how you protect the designation and
4 the kind of controls and its relationship to the taxation
5 problem are very interrelated between agriculture and open
6 space.

7 THE CHAIRMAN: You find the Williamson Act helpful?

8 MR. HAMILTON: Well, the county unfortunately in Los
9 Angeles has not adopted that.

10 THE CHAIRMAN: It's not used at all in Los Angeles
11 County?

12 MR. HAMILTON: This is a disadvantage as I see it,
13 obviously, but the city has no choice if the county doesn't
14 adopt it, and frankly, since it's never been used in the
15 county, I'm not sure how well it operates in other counties,
16 so I have to beg ignorance on that particular issue. I
17 believe in the principle behind it. I gather that there
18 are difficulties in the length of time that is the ten years
19 may be too short. I believe that we need probably more
20 muscle behind it than we presently have to make it work. I
21 would use the analogy that I had an opportunity three years
22 ago to be the guest of the German government studying their
23 land use planning for a month, and they have -- each state
24 within Germany requires local agencies to designate areas
25 of forest and areas of recreational advantage, and streams,
26 valleys, and areas to protect, and they draw a line around
27 that, but it rises at the local level. Then it's reviewed
28 at the state level, and the national level, then it comes

1 back down that their taxation process by which they, as you
2 know, don't have to pay property tax on those areas. They
3 only have a value edit tax. This means that you can save
4 forest or open space right in the midst of a high rise dense
5 city. It's still privately owned, but if the individual
6 cuts trees on it, the only taxation they pay is for the
7 amount of economic benefit they get from whatever is raised.
8 If they don't get any economic benefit, they don't really
9 pay any taxes at all. The government's view being that
10 that's maintained as open space is an advantage to the
11 public, and the public doesn't have any resources to buy
12 it all.

13 THE CHAIRMAN: Do they do the adverse of that? Is that
14 something that is now being suggested more and more widely
15 and on which the senate revenue and taxation committee very
16 recently had a hearing and that is the Henry George Concept
17 of simply taxing land, rather than improvements in places
18 where you want more development, where it makes sense. For
19 example, in fairly urban areas where you have had the leaping
20 frog go and where that kind of thing creates very serious
21 transportation and other planning problems, are you suggest-
22 ing perhaps what we could do is vary our taxation system so
23 that where we want to encourage the retention of agricultural
24 and other kinds of open space uses, we would have little or
25 no taxation with regard to the land itself, and for example,
26 in the other more urban areas we could say have a tax just
27 on land without improvements? Is that the kind of thinking
28 that --

1 MR. HAMILTON: Well, that's my own personal view. I
2 want to make it very clear. This is not a city policy in
3 any way. My own experience in Pittsburg where I was planning
4 director, land was taxed at twice the rate of buildings.
5 That was helpful. However, it didn't go --

6 THE CHAIRMAN: This was in the city itself?

7 MR. HAMILTON: In the city itself.

8 THE CHAIRMAN: What kind of result did you have?

9 MR. HAMILTON: It did encourage the use, the recycling
10 of land, and the more intensive use of land. However, our
11 experience was it didn't go as far as Australia frequently
12 where I believe, and in most Scandanavian countries and
13 other countries of Europe, they don't tax the buildings at
14 all. They only tax the land and I believe they get a much
15 better result so that the -- there are so many other advan-
16 tages to that in the fact that for example, in trying to
17 rehabilitate -- let me move to housing.

18 In housing the difficulty we find is that we are
19 maybe persuasive of a group of single-family homeowners in
20 a deteriorated area to be willing to accept a grant of money
21 or loan at a very low interest rate to remodel their house,
22 but so many of those people are at a income level where
23 they are paying right up to here to be able to save and
24 maintain that house. The minute you spend -- even give
25 them a grant of \$3500, the tax assessor knows, because he
26 gets a copy of the building permit, and the next year he
27 is taxed on that, and that raises them out of their ability
28 to maintain the house so they don't want any grant for

1 improvement to their house because their taxes go up and
2 they can no longer maintain it and it defeats the purpose
3 and I think my main point is in Europe they have done a
4 better job than we have. You have to combine land use policy
5 with taxation policy and look at how they interface one to
6 another because you defeat one part of what you are trying
7 to do by actions you take in another part, and it seems to
8 me this is terribly important. Agriculture and open space
9 are two of the principal areas it seems to me as well as
10 implementing effective housing policy, and rehabilitation
11 programs just are crucial to this, it seems to me. In terms
12 of problems of pollution, it's just obvious to me that a
13 statewide policy in the kinds of problems we face, can't
14 be resolved in the City of Los Angeles, and it's my obser-
15 vation also that the city departments in Los Angeles had
16 difficulty because the policies at the state level haven't
17 been coordinated. I'm sure you heard that in many cases.
18 So I think a strong state plan over goals and objectives in
19 pollution, and then systematic policies which interlock with
20 all the agencies dealing with it, so that your air pollution
21 control board doesn't have one set of policies and then they
22 tie together with water pollution control board, but that
23 may be at quite a variance with overall general policies
24 adopted by your state planning arm, because the two aren't
25 really interlocked as to what the heck you want to do in
26 the state as a whole.

27 THE CHAIRMAN: We are almost at the same level, the
28 same position of the state that may be San Francisco Bay

1 Area. The various single-purpose agencies, is that what
2 you are suggesting?

3 MR. HAMILTON: That is exactly what I am saying. There
4 is just a terrible necessity to coordinate those. Now, I
5 give tremendous credit to SCAG. They are beginning, I
6 believe, to make progress in particular identifying with
7 those or in trying to deal in a coordinated fashion with
8 certain areas, but the problem is that isn't done at the
9 state level. It makes it almost impossible at the area
10 level, and certainly impossible at the city level to do
11 anything about it. The issue of annexation, I believe, in
12 LAFCO, if each city has an opportunity to participate, I
13 often make the presentations for the City of Los Angeles
14 dealing with annexation issues. But I believe we need to
15 go a step further and that is if LAFCO does its job of
16 indicating where spheres of influence are, then I believe
17 the ability of the city, of a city, to annex within that
18 area to exercise zoning controls. If it's not exercised
19 effectively over that sphere of influence so that you can
20 look ahead at a time when economically and when the people
21 want to be annexed that it's possible to make sure that new
22 development or recycling or redevelopment is done in accord-
23 ance with the standards of the city so that it's possible
24 to not inherit an area which has enormous problems. We have
25 areas outside the city, which just logically some day are
26 going to come into the City of Los Angeles, and I think
27 everybody would agree, but have been permitted because of
28 lower county standards in the past to be developed and it

1 just causes headaches to the city when we annex them, and
2 so that I believe that the policy of planning and land use
3 control needs to be interlocked with the policies of LAFCO,
4 dealing with spheres of influence, and the ability of the
5 city to exercise planning over those areas which eventually
6 would come into the city.

7 THE CHAIRMAN: Do I hear you saying that an incorporated
8 city should exercise certain kinds of planning and zoning
9 powers over spheres of influence when the people who reside
10 in those spheres of influence have no ability because they
11 live outside of the incorporated area to vote on and to have
12 effect on the elected officials who are making those deci-
13 sions?

14 MR. HAMILTON: Indeed I do. This is a precedent which
15 is true in most eastern states, or in many eastern states.
16 In that cities and south southern states as well as the city
17 has the power within many cases three miles, some cases five
18 miles, to exercise zoning and subdivision controls over land
19 outside their municipal boundaries for all development within
20 those areas. That is exactly what I am saying and the --

21 THE CHAIRMAN: That in and of itself creates some
22 incentives towards annexation?

23 MR. HAMILTON: Yes, it would. And I believe that this,
24 of course, I believe that urbanized areas should be a part
25 of an incorporated area, because I personally believe that
26 incorporated areas, a city is better able to do its job
27 over urban development. In addition, I believe that people
28 in an urban development have a better way to be -- find their

1 elected leaders more responsive to their concerns on the
2 whole than boards of supervisors who really deal with a
3 broader range of subjects. I mean that's a personal preju-
4 dice.

5 THE CHAIRMAN: But on the other hand, in many places
6 you have a situation where you had unincorporated areas that
7 are serviced through local districts that are sometimes quite
8 small, and sometimes very community-oriented. And when those
9 are annexed to a large city, sometimes the citizen partici-
10 pation and sense of community in those particular areas is
11 lost.

12 MR. HAMILTON: I agree. Therefore, it seems to me in
13 those cases it's LAFCO's responsibility to say that commun-
14 ity would be better off as a separate incorporated community
15 than to be annexed to its neighbor. So that I think these
16 are the kinds of judgments that LAFCOS were formed to make.
17 But where they say that a particular area is under the sphere
18 of the city, it seems to me, that city should have the right
19 to exercise zoning and subdivision controls that will not
20 cause the city problems when it's annexed, and this should
21 be under an overall statewide plan of guidance that would
22 be a part of the planning process.

23 THE CHAIRMAN: Do you find tax incentives for areas to
24 remain unincorporated? Do you find that tax situation oper-
25 ating here to?

26 MR. HAMILTON: Yes. No question about it.

27 THE CHAIRMAN: What things should we be looking for
28 particularly here dealing with the tax incentives?

1 MR. HAMILTON: Well, you mean there are disadvantages
2 to a group --

3 THE CHAIRMAN: To annexation.

4 MR. HAMILTON: For which annexation to be exercised?

5 THE CHAIRMAN: Yes.

6 MR. HAMILTON: Well, on the whole, city requirements
7 in subdivisions for example, are higher. At least it's my
8 observation except for those communities that have a contract
9 with the county. I believe that the city provides better
10 police and fire protection, so then they have to pay higher
11 level in most cases, they don't have any library services
12 at all. If the school system is a part of it, often the
13 school system in my opinion, is more oriented to the local
14 needs and the school distribution phase means that they have
15 a local neighborhood school generally better than they do in
16 the county territory. Of course, I believe in all honesty,
17 that the city government in the City of Los Angeles at least,
18 I can only really speak for that, provides a higher quality
19 of fire services, police services, library services, street
20 cleaning, the other kinds of services an urbanized community
21 I believe wants.

22 Another issue and problem which we face as a
23 local planner dealing with your issue of coordination is
24 that interjurisdictional conflicts of multiple agencies. I
25 think we have spoken of that. I think however, let me say
26 that we are really trying to work at that and that is there
27 are a number of efforts locally to try and get coordination.
28 We have a council of planning which are planning directors

1 in each of the six counties plus the elected city planners
2 from one of the cities of each county elected to this group,
3 plus the planning director in the City of Los Angeles. And
4 this group meets together once a month, discusses mutual
5 problems, and helps write the initial planning legislation
6 that forms SCAG, and has since been advisory to SCAG's
7 planning staff, and to its SCAG's executive committee. We
8 also have within Los Angeles County area, planning groups
9 composed of the directors of planning of each of the cities,
10 the director of planning in the county, and the president
11 of the planning commission, and they meet together once a
12 month. Then, I try to go to local commissions and local
13 councils of cities next to the City of Los Angeles, and
14 brief them on what we are doing in planning in that portion
15 of the city. We do have, I think, pretty fair communication
16 between staffs. Now, if you ask me is this adequate, I would
17 have to tell you no, it's not adequate, but I believe at
18 least in the planning field, and of course, you do have other
19 things such as the -- you have the group of recreation direc-
20 tors, you have the airport directors, you have a number of
21 other groups formed through SCAG's planning efforts to get
22 coordination. So I would observe that in my ten years here
23 we are much better than we were ten years ago. It still
24 does not eliminate however jurisdiction control conflicts.
25 And that is that some jurisdictions have more actual author-
26 ity than others to resolve conflicts or to mesh together.
27 And there is no question that we have not resolved say
28 between the City of Beverly Hills, and the City of Los

1 Angeles, what our density policy should be, and our policy
2 on how many commercial establishments should we develop.
3 We have not resolved between portions of Los Angeles County
4 and portions of say Ventura County, or other counties as to
5 what amount of industrial development or zoning should be
6 developed, what the density and distribution should be. Now,
7 SCAG is attempting this, and they are making progress in
8 this because that's where in my opinion we need statewide
9 policy and goals translated into population distribution
10 and therefore density controls exercised through land use.
11 Which are interlocked with the -- and this gets back to our
12 multiple jurisdictions that are interlocked with the kind of
13 policies and programs that the air pollution control district
14 and the water district and so forth are doing. So it has to
15 be a reciprocal thing, and at the moment attempts have been
16 made, but we are resolving the problem yet as I see it.

17 THE CHAIRMAN: Senator.

18 SENATOR STULL: Is Beverly Hills a member of SCAG?

19 MR. HAMILTON: I don't know whether -- I think so.

20 THE CHAIRMAN: Yes, it is.

21 SENATOR STULL: Thank you.

22 MR. HAMILTON: At the moment, we are having great debate
23 about things that are happening in Los Angeles with Beverly
24 Hills. That's just an example, but we have had other words
25 as well.

26 THE CHAIRMAN: How do you convince the various juris-
27 dictions to take their part of the not very desirable things
28 as well as the more desirable things? For example, again,

1 low income housing, let's take that into consideration.

2 MR. HAMILTON: Well, the only method I know of now are
3 federal levers or pressure and SCAG persuasion. So far it's
4 been fairly unsuccessful.

5 THE CHAIRMAN: Do you have any other suggestions other
6 than that?

7 MR. HAMILTON: Well, I think --

8 THE CHAIRMAN: Do you think that's adequate?

9 MR. HAMILTON: I personally believe there should, of
10 course, be a statewide legislature, which requires low and
11 moderate income housing in all cities.

12 THE CHAIRMAN: Beverly Hills?

13 MR. HAMILTON: Beverly Hills. Absolutely, they make
14 a big argument that we should not permit higher income
15 development in Century City, because we didn't provide for
16 requirement low and moderate income housing. I pointed out
17 we have a city-wide ordinance of the past dealings with that,
18 and I asked how much have you developed in Beverly Hills,
19 and they haven't developed any, so I think Beverly Hills
20 right along with the city, right along with San Marino, and
21 all the rest of them, should provide their fair share.

22 THE CHAIRMAN: You think that should be decided in
23 Sacramento?

24 MR. HAMILTON: I think it won't work without it being
25 decided in Sacramento. Now, that is very difficult, but I
26 don't think the city council in Los Angeles can persuade
27 the city council of Beverly Hills to provide low and moder-
28 ate income housing, because Beverly Hills constituents

1 probably don't want it.

2 THE CHAIRMAN: You would suggest that as say a percent-
3 age quota kind of --

4 MR. HAMILTON: I think that in my own mind is the only
5 way it is going to work. I think the issue which we faced
6 at the local level in terms of coordination is the resource
7 allocation issue. And, of course, this is a touchy subject
8 as it is between council districts and the City of Los
9 Angeles, but until we begin to have a statewide policy which
10 says that these are the areas of greatest concern, these are
11 the areas that need recreation the most, or these are the
12 areas that air pollution is the worst, or where open space
13 is needed the most, or where public transportation is needed
14 the most, and have an objective relationship between the
15 policies, the goals, and objectives of policies of the state-
16 wide plan, which is then by the legislature implemented by
17 the allocation of resources. We are really not going to
18 accomplish what seems to me what is really needed on a plan-
19 ning basis. Now, I have to tell you the city isn't too good
20 at that yet either, but as a planner, I believe in this.

21 THE CHAIRMAN: The real question is how do you get
22 local input and participation in that decision-making
23 process?

24 MR. HAMILTON: Yes, I --

25 THE CHAIRMAN: Acceptance comes to some degree with
26 participation?

27 MR. HAMILTON: That's right. I know one of your ques-
28 tions deals with the citizen participation.

1 THE CHAIRMAN: It's important.

2 MR. HAMILTON: It's very important. I have never been
3 asked of the city's planning director to ever either discuss
4 with the city planning commission or the city council, or
5 with any of the citizen groups in statewide planning issues.
6 Now, it was very similar to the problem that our local tran-
7 sit agency went through. We tried to get them to go to the
8 local elected officials in each county -- well, in the county
9 and each city, and say to the councilmen, will you hold our
10 public hearings and our discussion elements on transporta-
11 tion, because you know the people in your community the best,
12 and you know how to reach them. I believe that because of
13 political process forces a politician to know who is in his
14 community and communicate with them or generally does, at any
15 rate. But, no, they held public hearings in six or seven or
16 ten different places. I am convinced that the most effec-
17 tive interaction with the public when we work the closest
18 with the councilmen of the district, and when he can give
19 us the names of people, when he helps us set up the meetings,
20 when he goes to the people in the community. So I guess
21 what I am saying is, I think the state has a ready-made
22 organization of communication with the citizens, and that's
23 the political structure, and I believe that it would be
24 possible for the state to so structure their request for
25 participation by citizens, and it doesn't become a part of
26 an issue, it becomes an issue of participation, of communi-
27 cation, lack of ideas, and it seems to me it's just like,
28 in Pittsburg we had a, you know, we had Democrats and

1 Republicans. The Democrats had been in for 28 years, and
2 they had a local block, in precinct, and whenever I wanted
3 to reach the citizens, I went to the precinct, and he got
4 us all the block groups, and then he got everybody in the
5 community and that was a direct line of citizen participa-
6 tion, and I honestly believe that we missed the boat in this
7 to a very large extent, and it's a method that is very impor-
8 tant. I think it could be done in such a way like in our
9 community plans, the councilmen of the district, when we
10 are in our process of community discussions, we involve
11 thousands of citizens. They don't commit themselves as to
12 what they are going to approve or disapprove. They say to
13 their constituents, we want your help in developing this
14 plan, now will you help us, but then when you complete your
15 process, then I'll know how you feel, and be able to make
16 better decisions.

17 THE CHAIRMAN: Maybe some local officials are afraid
18 to start asking their constituents what their problems are.
19 They may get more reaction than they think.

20 MR. HAMILTON: I find that each councilman operates
21 differently, but -- and there are a couple of them that don't
22 want this process, but the majority do, and I guess what I
23 am saying is I believe you have a vehicle by which this
24 might work in the state.

25 THE CHAIRMAN: It could also be salutary to the politi-
26 cal process itself?

27 MR. HAMILTON: Oh, I honestly believe that. I realize
28 you are looking at the clock. Just let me say that I believe

1 that in the transportation field, in particular, the inter-
2 action between a local planner like myself, and county
3 planner, and the regional planners, and the state, Caltrans
4 is probably the best example of interagency resolution or
5 participation at least at the technical level that I have
6 seen, and I congratulate SCAG on this, and Caltrans. They
7 have come a long way in this, and I think this kind of inter-
8 action at the transportation planning level can be used
9 as a sort of prototype for other areas of planning. And I
10 would commend that to you. Now, you can't say that for the
11 San Francisco region, or the Fresno region, or other regions,
12 but I honestly believe even though we have had lots of prob-
13 lems here, and even though the public didn't vote Proposi-
14 tion A, no matter how you might feel about it, at least there
15 has been at the technical planning level a tremendous amount
16 of interaction, and I believe involving most of the agencies
17 that have some responsibility. It's the best prototype that
18 I have seen, even maybe better than the airport issue, because
19 in the transportation issues involved in greater depth at
20 lower levels. Now, I didn't touch, and I don't want to spend
21 any more time, the environmental issue problem. I firmly
22 believe that the state guidelines and the legislature estab-
23 lishing CEQA, needs to be changed. It was never meant, in
24 my opinion, to apply to product development. I think it's
25 a very serious problem the way it has now developed. It has
26 inhibited private development. I think it's very difficult
27 to follow those guidelines, and so, I think that legislation
28 needs to be amended so that you have certain responsibilities

1 in the public and certain in the private. And I believe
2 that then those two areas in the environmental field need
3 to be much more closely tied to the planning area, because
4 the land use policies and the other kinds of policies in
5 general planning need to be interfaced with and reflect the
6 kinds of requirements in CEQA, at the moment, there is a
7 barrier. There is a real problem when you get down to the
8 nitty-gritty level of operating in this area.

9 THE CHAIRMAN: Thank you very much.

10 Senator Stull, do you have anything?

11 SENATOR STULL: No.

12 MR. HARRIMAN: I'm not sure whether I missed this while
13 I was out of the room, but did you comment on the amount of
14 the assistance you have had from OP and R in technical
15 assistance?

16 MR. HAMILTON: What I commented on was that I have never
17 been asked since I have been the planner to coordinate at the
18 Los Angeles level discussion input to the state planning
19 process. And what I'm saying is that I think you will find
20 most planners in the city, would welcome that. All they
21 have to do is ask us. All they have to do is send us a bill
22 of particulars, and say, "Cal Hamilton in the City of Los
23 Angeles, will you work with your elected officials, and
24 develop a citizen participation process to get input to
25 the statewide plan?" That is all they have to ask, but
26 I have never been asked, and there's just planning for
27 most local planners. What happens in Sacramento is like
28 in some other world, because we are never brought into the

1 process, and that is very difficult.

2 THE CHAIRMAN: Well, you had your chance today.

3 MR. HAMILTON: Well, I appreciate that chance.

4 THE CHAIRMAN: Thank you very much for your testimony.

5 Next, we have Jack Shelby of the California Real
6 Estate Association.

7 MR. SHELBY: Mr. Chairman, I have the prepared state-
8 ment which I have just handed you, which I will not read.

9 THE CHAIRMAN: We do have it, and we can glance through
10 it.

11 MR. SHELBY: Mr. Chairman, Senator, my name is Jack
12 Shelby. I have distributed to the committee the policy
13 statement adopted by the California Association of Realtors,
14 relative to land use, and the environment. This policy
15 statement represents a year of committee work within our
16 association and on January 27 of this year gained the
17 approval of our 75,000 membership, by unanimous vote of the
18 board of directors. Let's hope that this policy can be used
19 as a guide in drafting land use legislation. We are familiar
20 with the attempts at the federal level with land use legis-
21 lation currently in the congressional committee. A study
22 of land use controls adopted by states other than California,
23 would indicate the necessity of a federal bill, with its
24 accompanying planning system. Only a handful of states have
25 passed laws to place land use at the state level as opposed
26 to the local level. One of these states, Colorado, two years
27 ago inacted legislation that prohibits the sale of any sub-
28 divided land before a subdivision has met minimum requirements.

1 California has had this requirement for over 40 years, and
2 the law was just strengthened again this year.

3 Mr. Chairman, that is your bill.

4 Another state, Florida, in 1972 adopted a land
5 use management act, yet a state official from Florida has
6 reported only about a handful of counties have adopted
7 planning and zoning procedures. Again, a requirement that
8 California has had for years. On a state by state inquiry
9 response, it appears that California is well ahead of other
10 states in the field of land use planning regulations imple-
11 mented at the local levels. The existing planning and zoning
12 procedures currently in effect at the local level would meet
13 more than 75 percent of the requirements now being considered
14 at the federal level. California is in the forefront in its
15 land use planning. By the end of the next year, the oper-
16 ational procedures of Prop. 20 would be before the legisla-
17 ture for adoption. This also conforms to federal coastal
18 zoning management requirements. California's progressive
19 attitude toward planning prompts the question, how much
20 further should we go, and in what direction? May we, in
21 addition to the policy statement we have submitted to you
22 suggest that any land use legislation considered by this
23 committee confine itself to areas of statewide critical
24 environmental concern with a nominating procedure, which
25 originates at the local level and confirmed at the state
26 legislative level.

27 SENATOR STULL: Mr. Chairman?

28 THE CHAIRMAN: Yes, Senator.

1 SENATOR STULL: You would have nothing in between? You
2 want the local people to designate an area?

3 MR. SHELBY: Nominate --

4 SENATOR STULL: Nominate? And how would you do that
5 with some guy who gets a crazy idea that we ought to save
6 22 pine trees?

7 MR. SHELBY: Maybe that is not too far fetched, Senator,
8 if the person who nominates the 22 pine trees, and at the
9 local level can gain support of the planning commission, and
10 the local city council, or board of supervisors, and it's
11 that important to them that it's a statewide environmental,
12 and it's a critical concern that should be

13 SENATOR STULL: And you want to use the present process --
14 it could generate in anybody's mind or any groups mind, then
15 you go through the planning commission and the council, or
16 the board of supervisors?

17 MR. SHELBY: It would have to meet the criteria of
18 being statewide.

19 SENATOR STULL: Statewide?

20 MR. SHELBY: Yes, sir, and in Big Sur it might well be
21 of statewide value.

22 SENATOR STULL: Then that would go directly to a legis-
23 lature?

24 MR. SHELBY: The legislature in total. In other words,
25 if this was a statewide concern, what we are saying is if
26 it was a statewide concern, then it should be designated
27 such by the legislature after having been nominated at the
28 local level. So in the final analysis, the legislature

1 would determine this. I think the legislature.

2 I think the Santa Monica Mountains was also before
3 the legislature as a determination as if this is of state-
4 wide --

5 SENATOR STULL: Now, how would you -- and I haven't
6 read this obviously, but I hope to do it soon. How would
7 you do this from the standpoint of ownership of that property

8 MR. SHELBY: Well, let me read another paragraph.

9 SENATOR STULL: Okay.

10 MR. SHELBY: Thank you.

11 SENATOR STULL: I didn't know you were reading.

12 THE CHAIRMAN: He has his own.

13 MR. SHELBY: I have this and I am almost through.

14 May I pick up where California's progressive
15 attitude toward planning, towards the question how far
16 should we go, and in which direction? I will not repeat
17 that. Secondly, we believe that any such state land use
18 regulation should contain a strong compensation mechanism.
19 I hope that is starting to answer your question. In the
20 day and age when we look upon the right of the individual
21 as paramount, we should not misuse the police power in land
22 use regulation. The property owner should be called upon
23 to make a disproportional contribution to the welfare of the
24 people of this state. If property is taken, or it's use
25 restricted for public benefit, a fair compensation must be
26 paid. A fair compensation section in a state land use bill
27 which identifies areas of statewide critical environmental
28 concern would allay the fears of many would-be opponents to

1 state land use legislation. Did that answer your question,
2 Senator?

3 SENATOR STULL: You are talking about the state making
4 this?

5 MR. SHELBY: We have envisioned that if at the local
6 level the nomination was made, and we use the 22 pine trees,
7 and it has again had the support of the local agencies, and
8 has gone before the legislature, and they say it is para-
9 mount and commensurate with the designation of that, if it's
10 going to be to the benefit of the people of the state. In
11 the absence of that, we are saying that not only the desig-
12 nation, but the compensation, whether that be an outright
13 taking, or restriction on its use, the development rights
14 if it's a scenic view, the land might well be retained by
15 the original owner, and then development rights that he
16 would forego because of this contribution or the designation
17 then it would be a compensation mechanism. We look at it
18 in very much like eminent domain, and it's basically -- it's
19 going to do a lot of good for a lot of people, then a lot of
20 people ought to pay for it. And if a lot of people are
21 unwilling to pay for it, then maybe it's good is not that
22 much of a virtue and this ought to be the balancing fact,
23 and not the misuse of the police power by saying that because
24 up on the hill we want to overlook and see the valley, that
25 you cannot develop this, and I think that is an unfair
26 imposition to give a fellow that is in between if the bene-
27 fits are going to accrue to other than he.

28 SENATOR STULL: A few years ago there was this Santa

1 Monica Mountains --

2 MR. SHELBY: Yes, sir.

3 SENATOR STULL: -- property which is, I guess, and
4 there was a bill put in on the moratorium for a year and the
5 city and county to get together as I remember -- with the
6 proposal or amendment that if they put a moratorium on some-
7 thing like this, would the California Real Estate Association
8 have a moratorium on taxes of that period?

9 MR. SHELBY: In fairness, that would be part of it. I
10 think that my answer to your question we oppose that parti-
11 cular bill, and on the premise that it contained no compen-
12 sation mechanism, it contains a permit power, but once given
13 a permit power, then it could lead to the misuse of the
14 police power by the property owner. We sat through hearings
15 on --

16 SENATOR STULL: AB 1?

17 MR. SHELBY: That was AB 1, and it was a hearing in the
18 Santa Monica Mountains, and I talked to the consultant. Mr.
19 Harriman said it would be best to bring this out. There was
20 a lady there I think -- of all the witnesses I remember,
21 that we have a situation where a husband and wife, and the
22 husband was ill, where he could not buy insurance, he was
23 not insurable on his life. So instead, he invested in land
24 in the Santa Monica Mountains, eventually passed away, and
25 left this to the widow -- is the thing was left to take care
26 of her. She appeared before the committee saying that now
27 with the permit conceivably that she could not use the Santa
28 Monica Mountains, where was she? In other words, her assets,

1 the two of them had worked very hard for it, and could be
2 by permit just vacant land for the use of the environment
3 of the people of the State of California, and that would
4 be to her detriment, so we think that hand-in-hand if it's
5 going to be a permit on restriction of use or the actual
6 taking of the property, that a strong compensation of such
7 would be included in any land issue bill. We think this
8 is really important.

9 SENATOR STULL: With the number of areas of critical
10 concern that in the last few years, for example, you think
11 the legislature would be doing anything but passing on the
12 issue?

13 MR. SHELBY: Well, I'd have to go back to the represen-
14 tation by the elective officials, the elected officials, and
15 in California, over 50 percent of the land is in public
16 hands already, and it might well be that a lot of that which
17 would be designated as open space, or 22 pine trees, or what-
18 ever it is, would not require compensation mechanism by
19 virtue of it being publicly owned already. So there could
20 be a duplication of maybe a shifting as I wanted to save
21 the 22 pine trees that was publicly owned, it might well
22 be pointed out that there are 22 equally beautiful pine
23 trees that are not publicly owned. This would be up to the
24 local area to distinguish with the final say coming from the
25 legislature, but the compensation part of it we think has to
26 come from the state level and the legislature, and it might
27 be a governing force too that you don't include the entire
28 state, because of budgetary problems you could not. So you

1 would have to establish a list of priorities, and do what
2 you could with the means at hand to do it, namely the money.
3 And it gets back to, can you ask the individual who owns the
4 property to make the disproportional contribution to the
5 welfare of everybody by using the police force, and telling
6 him he cannot use his property.

7 THE CHAIRMAN: You had a question, Mr. Harriman?

8 MR. HARRIMAN: Yes.

9 Mr. Shelby, are you familiar with Don Hagman's
10 work on the wind falls and wipe outs?

11 MR. SHELBY: Vaguely, probably a little more than
12 vaguely.

13 MR. HARRIMAN: From what you know of it, do you think
14 that the group which you represent would be willing to go
15 along with the scheme that might reduce the profits on
16 speculation on land or profits on the sale of land if it
17 would also reduce the wipe outs if there were some sort of
18 a quasi taking or some sort of police regulation on land?

19 THE CHAIRMAN: I see on Page 6 of your related tax
20 policy, your No. 2, particularly those directed toward that.
21 You don't like an added increment tax?

22 MR. SHELBY: I think that what -- the use of property
23 one would have to say in a point of time, and if we look at
24 it today, and it is zoned for commercial and reduced to
25 residential, the wipe outs would say, "Well, gee, we have
26 that power, that police power, to change the zoning." But
27 when I say point of time, I think originally a fellow owned
28 a piece of property who could do with it what he may. So

1 at the time the zoning was put on, that was the first imposi-
2 sition we put on him to betterment of all society. We
3 thought the reduction works should not be next to my house,
4 and I'm thankful for that. But that was the first imposi-
5 tion put on the property with no compensation whatsoever.
6 We have moved from there now down to zoning, and we look at
7 it at this particular day, should the fellow that has the
8 farm land and all of a sudden it is a shopping center, should
9 he help pay for the other? We don't think so.

10 MR. HARRIMAN: Now, about the spirit of compromise fore-
11 going the 25 percent of the profit say that you would ordin-
12 arily get if it meant that on the times when you got a wipe
13 out, that you wouldn't have a total wipe out, that you would
14 still make 25 percent on that particular investment?

15 MR. SHELBY: This has other problems. I think you start
16 from the basic premise that everybody that touches the piece
17 of land makes money. Such is not the case. I think that I
18 am familiar with Sacramento. I lived in Sacramento. Do you
19 know where Land Park is, the Tower Theater? It is one of
20 the finest residential areas in Sacramento, and one of the
21 oldest. It was subdivided about 1936 to '37. The fellow
22 that originally subdivided that went broke. There were city
23 bonds, 1915 bonds, for the improvement, and the city had to
24 foreclose on the bonds, and put up a sledman, by city crews
25 where the Tower Theater now sits to sell the lots for delin-
26 quent bonds and penalties. You could say gee, if you drove
27 down that tree-shaded street, you would think that the fellow
28 probably made a bundle when he subdivided this. Well, he

1 did, but the times precluded him from making a profit. Well,
2 how would you look at that, or would the reverse be true?
3 Would he then, because he was a subdivider, be entitled to
4 that which he thought he was going to make? You get into
5 real problems when you get into the wind fall and wipe out,
6 primarily because not all people who develop property make
7 money. It's much like the gambler who goes to the line.
8 You always hear about the fellow who won at the line, you
9 don't hear about the fellow who lost. Not too many people
10 want to brag about that. I am not saying that there hasn't
11 been money made, but not to the extent, and by the numbers
12 that the premise of which these conclusions are based of
13 wind falls and wipe outs.

14 THE CHAIRMAN: What's the basis of your opposition to
15 this? Is it simply that it won't work in terms of its
16 technical problems or because it's philosophically wrong?

17 MR. SHELBY: I think both.

18 THE CHAIRMAN: I mean really, why if a city, a large
19 city, decides it needs another shopping center, and it has
20 four proposed sites, that are say single-family residential,
21 or something that would produce a little less in terms of
22 income, and it finally decides on one particular location
23 for that, somebody is going to make some money because of
24 that decision.

25 MR. SHELBY: That's right.

26 THE CHAIRMAN: Now, what's wrong with exacting some
27 sort of a tax?

28 MR. SHELBY: They do, Senator. I think it is taxed

1 every year at a higher rate.

2 THE CHAIRMAN: But somebody is going to make a signi-
3 ficant amount of money in developing that, because of the
4 fact that the land suddenly is more valuable. It is signi-
5 ficantly more valuable, isn't it, because of that zoning
6 decision?

7 MR. SHELBY: Yes. You see, I think the money he makes
8 would be commensurate with the risk. It kind of strikes
9 the heart of free enterprise. Who gets up early and does
10 his homework well.

11 THE CHAIRMAN: Well, if you are going to take that
12 attitude though, don't we have to also say that when the
13 city decides that some property which is -- maybe multiple
14 family residential, really shouldn't be multiple residential,
15 it should be single-family, and zones it down from multiple
16 to single. Shouldn't the owner of that land take the burden
17 of the loss of dollar value, because of the down zoning?

18 MR. SHELBY: I believe he does today take a loss.

19 THE CHAIRMAN: Oh, well, how far does that process go
20 then in terms of your contemplation, you say that people
21 who are required to maintain some kind of open space use
22 should be compensated for it, say agricultural use, or some
23 other kind of use, that has some financial productivity,
24 but simply isn't equivalent to the aspirations that a person
25 has for the use of that land.

26 MR. SHELBY: Well, I'm not trying to get on both ends
27 of this, saying that I do not want the successful developer
28 to share, and then it goes with it that we cannot say that

1 that person takes a loss.

2 THE CHAIRMAN: Yes, I wouldn't want to do that either,
3 and I think maybe in some cases you are coming close to that.

4 MR. SHELBY: I think the motivation if something is of
5 statewide and critical environmental concern --

6 THE CHAIRMAN: Well, I am talking about local govern-
7 ment, just local government. City council decides on zoning
8 changes, should they have to compensate for a down zoning?
9 When should they start having to compensate for down zoning?

10 MR. SHELBY: Well, this is that fine area in between
11 that almost is going to have to be on a case by case, as far
12 as the philosophical difference that would be answered here.

13 THE CHAIRMAN: Let me ask you another thing relating
14 to taxes. Do you believe in the concept of the Williamson
15 Act?

16 MR. SHELBY: Yes. I think that is covered in our
17 statement here, too.

18 THE CHAIRMAN: I think though that you don't like what
19 we were talking about a little earlier in the Henry George
20 principle of --

21 MR. SHELBY: No.

22 THE CHAIRMAN: Or on the adverse, a surcharge in essence

23 MR. SHELBY: The Henry George theory, we think that is
24 a pressure that would cause the premature development of
25 property. You might have improvements that would stand
26 idle and vacant really because somebody was paying the same
27 tax anyhow, would put his shopping center up or whatever it
28 is just whatever the zoning is without building to meet the

1 need. Building to in fact, beat the tax.

2 THE CHAIRMAN: Well, do you think it's a proper role
3 of government to decide where development should occur and
4 where development should not occur, and then to give finan-
5 cial incentives? Certainly the Williamson Act is that,
6 isn't it? Isn't this surcharge simply the other side of
7 the same point?

8 MR. SHELBY: A surcharge, you mean as far as the --

9 THE CHAIRMAN: You say on Page 6 --

10 MR. SHELBY: The tax above the ad valorem tax --

11 THE CHAIRMAN: Either that, or taxing land only, or
12 some other kind of difference in your tax insight tends to
13 produce the desired result in terms of either maintaining
14 open space or else --

15 MR. SHELBY: Senator, your questions are good, and I
16 do not mean to be evasive, but each time I change one incre-
17 ment, the response of the other things down the line, if you
18 go to the single tax, the Henry George theory, it blows
19 school taxation out of order, because from certain things
20 based on the existing tax. So then you have to start
21 mechanically to change all of those. Obviously, I guess
22 you do the best you can with the tools at hand, and recog-
23 nize that the answer that's arrived at is not an answer
24 that will work from here to all time. The answer is one
25 that must remain flexible in these things.

26 THE CHAIRMAN: Well, what I am trying to get really is
27 the basis of your objection to that kind of tax. Is it
28 philosophical or --

1 MR. SHELBY: I think it's unfair.

2 THE CHAIRMAN: Okay. So you think that --

3 MR. SHELBY: Philosophically --

4 THE CHAIRMAN: So no matter what the technical problem
5 is and if those technical problems could be worked out, you
6 would oppose it because philosophically you're against it?

7 MR. SHELBY: That is supported with those other problem

8 THE CHAIRMAN: Let me finally ask you something about
9 your nomination process. You say that the 22 pines, let's
10 say, they are Torrey Pines. They are the last Torrey Pines
11 in existence. A very unique kind of ancient pine tree.

12 SENATOR STULL: In my case.

13 THE CHAIRMAN: And let's say the people of the local
14 level don't want them, for one reason or another. But
15 perhaps someone in another part of California thinks they
16 are very important to preserve, would your process preclude
17 their preserving them?

18 MR. SHELBY: I guess final analysis would rest with
19 the legislature.

20 THE CHAIRMAN: You are not saying that any particular
21 unique asset can only be preserved if the local people decid
22 to nominate that asset or preservation, are you?

23 MR. SHELBY: It would seem to be that the local people
24 would have to be very candid, would have to get on board
25 if they would want that, and Eureka wanted to save those
26 pines, I'd have to ask myself what role would local govern-
27 ment play in that if they would be so. So I think we would
28 have to first pass the test of local government. So that

1 might be precluded and those pines would be saved if the
2 decision of the constituents of Senator Stull didn't want
3 them.

4 THE CHAIRMAN: Even if the state wanted to buy it?

5 MR. SHELBY: I think the state has the means of doing
6 that --

7 SENATOR STULL: Well, they do that all the time now.

8 THE CHAIRMAN: What I thought you said was the state
9 shouldn't even buy it unless the local people thought it
10 should be preserved.

11 MR. SHELBY: Well, the state does have a mechanism if
12 they deem that necessary.

13 THE CHAIRMAN: Well, do I hear you saying that the state
14 shouldn't even buy this if the local people --

15 MR. SHELBY: Under the state land use plan which we
16 do not have, but will probably come into legislation at
17 this next session, and through that mechanism we are saying
18 that if the 22 pines could not gain the support of local
19 level, then under the land use legislation the state should
20 not buy it if through existing -- if they can do this now.

21 THE CHAIRMAN: Okay. Through some other mechanisms,
22 and you don't have any objection to that?

23 MR. SHELBY: No.

24 THE CHAIRMAN: Any other questions?

25 SENATOR STULL: Thank you.

26 THE CHAIRMAN: Thank you very much.

27 MR. SHELBY: Thank you.

28 THE CHAIRMAN: Next we have Richard Weaver, member of

1 the Board of Directors, League of California Cities. Do
2 we have a representative from the League of Cities here?

3 Next, the Honorable Merle Mergle, Mayor, City of
4 Inglewood. We don't have the representative of the City of
5 Inglewood, apparently, and so the next person on our list
6 was the Honorable Pat Russell, Councilwoman, City of Los
7 Angeles.

8 MR. GIBSON: Mr. Chairman, I'm sorry she won't be here
9 today.

10 THE CHAIRMAN: She won't be here today?

11 MR. GIBSON: If you want to, you can take me later, or
12 take me now.

13 THE CHAIRMAN: Let me ask this question. Is there
14 someone here who is prepared to testify and wants to testify
15 who cannot come back this afternoon? If not, why don't you
16 come forward and give the testimony. Do you have a written
17 statement?

18 MR. GIBSON: Yes. We do, Mr. Chairman and members.
19 I will give it to you.

20 Mr. Chairman, members, as I said, my name is
21 Charles Gibson. I am with the office of Chief Legislative
22 Analysts of the City of Los Angeles, and Councilwoman
23 Russell has asked us to appear here today to highlight her
24 testimony, and also answer some questions if you have them.
25 She couldn't make it due to a schedule conflict. I have
26 submitted a copy of the Councilwoman's testimony, which is
27 essentially based on the city adopted policy relative to
28 the land planning and environmental control, and the council

1 has recently reaffirmed its policy on the subject, and
2 basically its components consist of strengthening the ability
3 of the cities to exercise authority over land use decisions,
4 while urging the state to develop a state land use policy
5 based upon the input of local government, and the develop-
6 ment of area coordinating councils to resolve differences
7 and inconsistencies in plans of local entities which may
8 have area-wide implications. One of the -- there are a
9 number of points relative to provisions in any specific
10 measure that might be introduced and these include an -- I
11 will just briefly highlight the main one. Adequate repre-
12 sentation of officials of local government on the proposed
13 state land use commission, as well as a regional or area
14 coordinating council, including elected representatives of
15 local government with the authority to resolve the incon-
16 sistencies as mentioned before, and the designation of areas
17 by a state agency including adequate inferences from the
18 local agency within which they are located, reimbursement
19 of costs, and coordination such as the coastal zone airport
20 development and power plant site. Protection of vital
21 public resources is important, for example, tax payers in
22 the southland have a vested interest in protection of
23 valuable watersheds in Inyo and Mono Counties. The respon-
24 sibility for managing this interest is one which has long
25 been handled by Los Angeles City government through the
26 Department of Water and Power. We feel that the respon-
27 sibility in this area should not be diluted and altered.
28 Generally, detailed responsibility for local planning should

1 be made at the local level, supplemented by guidance from
2 the state.

3 Thank you.

4 SENATOR STULL: Thank you very much, Mr. Gibson.

5 David H. Roper, Deputy District Director, Trans-
6 portation Planning, California Department of Transportation?

7 William C. Lockett, Chief, Evaluation and Plannin
8 Air Resources Board of Sacramento.

9 MR. LOCKETT: Mr. Chairman, members of the committee,
10 with me is Larry Haas, our legislative representative of
11 the Air Resources Board.

12 SENATOR STULL: Okay, Mr. Haas.

13 MR. LOCKETT: Our position is that technology alone
14 will not solve all of our air pollution problems either in
15 the short or long term. With that beginning we would like
16 to summarize the statement we filed with you in the interest
17 of time.

18 There is a variety of state and federal legis-
19 lation as we mentioned earlier, the CEQA provisions and
20 AB 69, Department of Transportation. But we do not have
21 an air quality element in general plans, and we think this
22 needs to be addressed. At the present time, the Federal
23 government via the Clean Air Act of 1970, is doing a great
24 deal of negative land use planning in California. There
25 are responsibilities in the present law to address not only
26 the immediate need of achieving the national standards, but
27 also to develop strategies for maintaining them in the long
28 term. The federal programs coming on-line basically deal

1 in changing the time frame, but as we know, public decisions
2 exceed that time frame by supporters of magnitude. Local
3 and regional governments find themselves somewhat overwhelmed
4 by the rapid fire of new rules and regulations from the
5 Federal government with no appropriate organizational struc-
6 ture established by the legislature able to respond. The
7 difficulty is that no framework exists to provide a basis
8 for decision-making on the cumulative impact of many indi-
9 vidual projects.

10 Air pollution is a larger than county-wide prob-
11 lem in many air basins. Pollutants emitted into the air in
12 one jurisdiction often impact on another jurisdiction out-
13 side of, not only city boundaries, but across county lines
14 as well. I am sure you are well aware of the photochemical
15 oxidants and how they are formed, and the damage to crops,
16 human health, and materials. The precursors are emitted
17 in one jurisdiction and travel down, and the damage occurs
18 elsewhere. We do not presently have a structure that pro-
19 vides any incentive for the land use plans of one juris-
20 diction to be modified in response to the knowledge that
21 air pollutants emitted as a result of the plans, will affect
22 another jurisdiction. We have neither a mandatory structure
23 nor an apparently viable voluntary structure functioning
24 effectively through the councils of government or the air
25 basin-wide coordinating councils in the various air basins
26 of the state. Without a legislative mandate, there have
27 been fragmented and varying responses to federal mandates
28 in different air basins in the state.

1 SENATOR STULL: Well, excuse me, Mr. Lockett, let's
2 go on here, I am trying to follow you through. You say
3 there has been a struggle between the County Air Pollution
4 Control Agency and Comprehensive Planning Agency in the
5 San Diego air basin.

6 MR. LOCKETT: Yes.

7 SENATOR STULL: And previously you mentioned that you
8 don't have a structure that provides any incentive for the
9 land use plans, or a mandatory structure, or voluntary struc-
10 ture. Are you going to eventually in this suggest something
11 or should we talk about this now?

12 MR. LOCKETT: Well, we have suggested at the end of
13 Senate Bulletin 981 report to the legislature. The concept
14 of basin-wide area emissions is a viable way to go in inte-
15 grating air quality concerns into the decision-making struc-
16 ture. Our position is that it's a legitimate and continuing
17 goal to maintain healthy levels of air quality over a long
18 term.

19 SENATOR STULL: Carry that a little further here, when
20 you talk about the conflicts between the County Air Pollution
21 Control Agency and the CPO, are we talking just about San
22 Diego?

23 MR. LOCKETT: Yes. There are conflicts elsewhere, but
24 that is an example of some of the conflicts. Now, San Diego
25 is doing very well in trying to resolve those conflicts.

26 As you may know, Larry Taylor, who I believe
27 testified yesterday for the committee is the director bring-
28 ing together CPO, and San Diego County into an air quality

1 task force addressing that problem on a basin basis, and
2 that I think was just formed last month.

3 SENATOR STULL: Well, then, how does that tie in with
4 the State of California air resources?

5 MR. LOCKETT: Well, assuming that the county and CPO
6 come up with an air quality plan, it would be submitted
7 through the basin according to council, which is the County
8 Board of Supervisors to the State Air Resources Board be
9 included as an amendment in the State Implementation Plan
10 under the Clean Air Act.

11 SENATOR STULL: My constituent would say that Los
12 Angeles is sending down all the smog and junk to San Diego.
13 How is that coordination done?

14 MR. LOCKETT: Well, that would be an inter-basin problem,
15 and we are saying that there are not adequate structures to
16 do that.

17 SENATOR STULL: You don't have that authority now under
18 this statewide Air Resources Board to coordinate the basins?

19 MR. LOCKETT: Yes. We coordinate the basins, but there
20 is not -- that is basically on achievement of the standards
21 framework rather than being directed at the long term for
22 integrating air quality in the planning processes. This
23 goes back to our original concern that we do not forecast
24 technology involving the problem alone and maintaining
25 health standards in the long-term.

26 SENATOR STULL: What do you envision?

27 MR. LOCKETT: We envision the land use and transporta-
28 tion planning by putting air quality concerns into the

1 planning --

2 SENATOR STULL: In other words, stopping growth and
3 stopping automobiles; is that it?

4 MR. LOCKETT: Well, we would hope that by planning
5 ahead 10 and 20 years, there are more options for deciding
6 how we will mesh the social and economic factors, rather
7 than trying to do it on a short-term basis where the options
8 are few.

9 SENATOR STULL: Well, it seems to me you are sort of
10 at an impasse. You are giving up on technology. You say
11 you are not stressing that solely?

12 MR. LOCKETT: Well, if I have given the impression
13 that we are giving up on technology, that is erroneous.
14 We feel we are pressing pretty vigorously in pushing tech-
15 nology to its limits. At the present time, we see the auto
16 emissions, for example, being able to be reduced 90 percent
17 over an uncontrolled vehicle, but that last ten percent, or
18 a pollution-free automobile, seems remote, and it is also
19 quite expensive. Technology is not to the point where it
20 can make the automobile pollution free, but we still push
21 technology to its limits.

22 SENATOR STULL: So part of this then is the growth
23 control, or land use, you are talking about?

24 MR. LOCKETT: Yes. It is technology, and planning
25 together, hopefully maximizing the benefits of each.

26 SENATOR STULL: What tie-in do you people have with
27 SCAG? I am just saying was that two groups working two
28 different ways? Will you ever get together in this sort

1 of planning?

2 MR. LOCKETT: Well, under the present Mulford-Carrell
3 Act, the basin coordinating council in the south coast air
4 basin for example, is composed of representatives from
5 county board of supervisors in the counties in the south
6 coast air basin. There is no city representation on that
7 basin. In Senate Bill 1543, we are recommending that via
8 the city selection process that the basin in coordinating
9 councils be strengthened to add the cities' elected officials
10 to the basin coordinating councils. Our work with the
11 Southern California Association of Governments is occurring.
12 There is liaison going on. They have been instrumental in
13 developing the transportation control plans which will be
14 forwarded to us, I suspect, in the next few months to be
15 included in as an amendment to the State's Implementation
16 Plan as another control program for achieving and maintaining
17 air quality standards. Is that responsive to your question,
18 Senator?

19 SENATOR STULL: I see a real close relationship that is
20 necessary if we are going to consider area regional planning.
21 There may be shouldn't be two organizations doing it. Surely
22 some of the things that have been mentioned in Mr. Jarvey
23 Gilbert's statement this morning would indicate that you
24 and/or his organization and this one are working around,
25 and on certain of the same factors.

26 MR. LOCKETT: That's correct.

27 SENATOR STULL: So which one should we get rid of?

28 MR. LOCKETT: Well, we have recommended that the basin

1 coordinating council should be strengthened, but our principal
2 concern is the concept of recognizing it is legitimate to
3 maintain air quality in the long-term and to do that via
4 emissions allocation, we are less concerned with which
5 governmental framework or mechanism is used to do that.
6 Our prime concern is that it be done.

7 SENATOR STULL: Mr. Chairman, Mr. Lockett is going over
8 on Page 3.

9 THE CHAIRMAN: Thank you. Go ahead then. I was thank-
10 ing you, Senator.

11 MR. LOCKETT: I think we have talked about the bottom
12 of Page 3, about the mandates, and we are over to the con-
13 clusion. The Office of Planning and Research has indicated
14 the state needs to provide expertise, guidelines, and
15 resources to help local and regional agencies in developing
16 long-range comprehensive plans. We feel the state should
17 provide leadership on issues which transcend local and
18 regional scope. The state plan cannot be successfully
19 implemented without heavy local and regional involvement.
20 The process needs to be participatory with regional goals
21 and assumptions being constrained by articulated statewide
22 goals and policies.

23 Turning to Question 2, about statutory conflicts
24 or roadblocks, this brings us into our proposal that the
25 Senate Bill 981 report, which was heard yesterday.

26 THE CHAIRMAN: By your executive director then?

27 MR. LOCKETT: Yes. I believe we outlined six steps
28 that are shown for you on Page 5, which basically is this

1 emission allocations concept of compiling detailed inven-
2 tories at the air polluting emissions designating maximum
3 emissions allowable in each planning subarea, and using
4 that as a target. Evaluate and revise land use and trans-
5 portation plans so that present prescribed emission limits
6 would not be exceeded. We would monitor that through the
7 CEQA process. We believe that as long as plans and projects
8 conform to the prescribed emission limits, air quality goals
9 would be met. There is additional information in the 981
10 report which we have filed with the committee.

11 THE CHAIRMAN: One of the biggest problems seems to be
12 how flexible those standards or goals ought to be, and
13 whether or not some room should be left for some additional
14 growth in areas where it is clear that the standards have
15 already been exceeded or whether we should simply say no
16 more permits period. That's obviously a substantial problem,
17 and the related problem is if we don't do it, what's the
18 Federal government going to do?

19 MR. LOCKETT: That's right.

20 THE CHAIRMAN: Their projected laws that are now on
21 the books indicate some very stringent kind of activity that
22 would be totally out of hand of local and state government.

23 MR. LOCKETT: Our forecast is that the Clean Air Act
24 amendment will be changed, but we don't foresee the substan-
25 tial changes other than perhaps in the time table to achieve
26 and maintain the standards. It is a problem as to the kind
27 of flexibility that we have, and for that reason, the board
28 has recommended that social and economic factors be considered

1 in establishing the basin-wide emission limits, and as you
2 know, the difference between the federal standards and the
3 state standards is that the state goals are not coded to
4 the 77th time table, but to proceed at a reasonable fashion.

5 THE CHAIRMAN: The big question is how far do we need
6 to go in order to convince our government that they should
7 allow us to do our thinking, rather than to do it for us?

8 MR. LOCKETT: We believe that Senate Bill 1543 would
9 go a long ways in doing that, and give California an active
10 program to demonstrate we do know how to manage our affairs
11 when it comes to clean air, and hopefully, put up enough
12 persuasion in that there would be an exemption or some
13 recognition of the Clean Air Act to California that would
14 not limit the original exemptions in setting the automobile
15 emission standards.

16 THE CHAIRMAN: Mr. Harriman, would you like to ask a
17 question?

18 MR. HARRIMAN: Mr. Lockett, I'm not sure that this is
19 the appropriate place to ask this, and you have probably
20 already heard about it, but there is an article in the July
21 28 issue of the L.A. Times, I gather, indicating that you
22 and the L.A. Pollution Control District had had some dis-
23 agreement about gathering of data or some such thing. The
24 subcommittee staff isn't really concerned in that specific
25 incident. What we are more interested in is whether or not
26 you and EPA, and L.A. County APCD, and all the other air
27 pollution control-related agencies have gotten together in
28 some way and have coordinated data. At the gathering, for

1 example, do you duplicate work that L.A. Air Pollution Con-
2 trol District does in terms of just daily gathering, and do
3 you also duplicate work, for example, that EPA does or that
4 Caltrans in their transportation work might do otherwise?

5 MR. HAAS: I think I can answer that for you. Really
6 you are talking about air quality monitoring and the answer
7 is no, there isn't any duplication in that area that you
8 need be concerned about. For the simple reason that there
9 are not nearly enough monitoring facilities. We have moni-
10 toring being done by the Federal government under EPA. We
11 have state monitoring, and we also have local air pollution
12 control districts doing their own monitoring, and there are
13 not now nearly enough monitoring stations to collect the
14 data that we need. So we are cooperating with these various
15 agencies.

16 The monitors are located in given areas, and all
17 the data is being gathered, and it is being shared by these
18 various agencies.

19 MR. HARRIMAN: Is there a standardized way of gathering
20 that data so that for example in San Francisco Bay Area the
21 data is gathered and monitored in the same way and statis-
22 tically transferred in the same form, so it can be used in
23 L.A., and so on, and so forth.

24 MR. HAAS: That is a touchy question. What you have
25 asked about is -- at least one aspect of it is currently a
26 public controversy. That is the question of how you cali-
27 brate oxidant measurements. The issue essentially is that
28 Los Angeles County developed an oxidants measurement 20 years

1 ago, and has been using that method. We have just found
2 out last year that their method is different -- yields
3 different results than the method being used by the state,
4 all of the other air pollution districts, and by EPA. We
5 are resolving that issue, and that is the only problem area
6 that we are aware of as far as a lack of uniformity within
7 the United States. There are different ways of monitoring
8 data, and making these measurements, and for instance, other
9 countries may use different methods, but as far as California
10 air quality data, this one exception of oxidants, and the
11 difference between L. A. County's methods and everybody
12 else's is the only difference we are aware of.

13 MR. HARRIMAN: Well, there is a centralized place where
14 any agency who wants to get data on air pollution control
15 measurements can go. For example, if the public health ser-
16 vice wants those measurements or some particular individual
17 in health and welfare, or any other state agency -- what I
18 am trying to ascertain is whether or not there is a central-
19 ized information source which anyone can go to which present
20 exists now at the statewide level?

21 MR. HAAS: Well, it depends on the area that they are
22 interested in, the geographical area. For instance, if
23 they are interested in Los Angeles County data, then they
24 could go to L.A. County, and get that kind of data. If they
25 are interested in any geographical area in California, L.A.
26 County wouldn't have information outside L.A. County, but
27 they could get that information centrally from the Air
28 Resources Board, and the same thing would apply to EPA.

1 If anybody in California wanted data from outside
2 the state, they couldn't get it from us or L.A. County, they
3 would have to go to EPA to get it.

4 MR. HARRIMAN: I am not sure I am not beating a dead
5 horse, but what happens if Caltrans wants some kind of data
6 in forming their regional transportation plans, do they come
7 to you or do they go to EPA, or do they go to L.A. County
8 APCD, or all three?

9 MR. HAAS: It depends on what they are looking for. If
10 perhaps they are interested in L.A. County, they may contact
11 the county, and they can also get data from us, and as you
12 mentioned earlier, they are doing some of their own monitor-
13 ing, but the data from all three sources is available to them.

14 MR. HARRIMAN: All right. If the Chairman will indulge
15 me one more question in an attempt to lead the witness.
16 Would you be supportive of any kind of a centralized infor-
17 mation system or service which would gather information in
18 a form usable to you and perhaps to others and have it in
19 one place where, for example, you could have a computer
20 terminal on-line going directly to the storage.

21 MR. HAAS: Well, we would, yes, and we think that we
22 do have some very good solid beginnings of that kind of a
23 system. This is the kind of system that we have developed
24 with most of the air pollution control districts in the
25 states. We know every county is contained in an air pollu-
26 tion control district, and in the Bay district, you have
27 nine county districts. We have a subdivision program under
28 which we do pass funds along to the local district for their

1 use, and one of the conditions of this is that they monitor
2 using standardized techniques and techniques that we can
3 inspect, and make sure will give the same results, and that
4 is a system that we are using to make sure that everybody
5 is using the same kind of measurement techniques.

6 MR. HARRIMAN: Thank you.

7 THE CHAIRMAN: You think that there is a need though
8 for the state to take the lead in developing the informa-
9 tion data, and put it together in one place?

10 MR. HAAS: Very definitely. As was mentioned yesterday
11 in the hearing, we see the state's role in this planning
12 process as one of setting basin wide emission limits, and
13 it would then be up to local governments to develop their
14 plans in consonance with this, and if they could essentially
15 do anything they wanted with those plans, from the air pol-
16 lution standpoint, as long as the overall emissions limits
17 were observed, and it's very critical that we have good air
18 quality monitoring data in order to establish those measures.

19 THE CHAIRMAN: Okay.

20 MS. CARTER: Mr. Chairman, let me ask just one more
21 question along this line. Getting back to the system that
22 you said you have the beginnings of a data gathering termi-
23 nal, how is that coordinated, or is there coordination, or
24 what is your relation to similar systems, and other state
25 agencies? For example, I believe Caltrans has such a com-
26 puter line. Is there any attempt to get your data into
27 theirs, and vice versa, something along this line?

28 MR. LOCKETT: We have been working with Caltrans in

1 developing data and emission factors to be used in the AB 69
2 process, so that for example -- yes we are, and we have been
3 meeting with the State Water Board, and using data on the
4 grants for the Lee water program. As you know, they have
5 adopted guidelines requiring the air quality impact be
6 adequately assessed in the IR process. We have also been
7 working with the government Results of Planning Research,
8 which has an effort going, both computer and -- otherwise
9 trying to get a common data basis for all state agencies
10 to use.

11 THE CHAIRMAN: This brings up -- I was thinking as you
12 were talking about this, the comment that Mr. Hamilton made
13 awhile ago that you seemed to be developing in Sacramento
14 the same phenomema that we have had in the San Francisco
15 Bay Area, that is, each of the state agencies seems to be
16 kind of a single-purpose agency doing its own thing, and it
17 doesn't seem to be the kind of coordination between these
18 agencies that perhaps there ought to be. Do you see that
19 as a problem, and what kind of solution do you see to that,
20 if you see it as a problem?

21 MR. LOCKETT: I see it as a problem. I feel we are
22 endeavoring to reduce the problem by working with those
23 agencies that we think have the largest impact on our
24 program. The two examples that we have mentioned are the
25 Water Board and Cantrans. There has been a very heavy
26 effort with each of those two organizations, and working
27 with them along the way, to see that air quality is inte-
28 grated into the decision and planning process.

1 THE CHAIRMAN: Do you think the best solution to the
2 problem is simply to rely on each of these agencies to
3 coordinate as best they can with the other agencies?

4 MR. LOCKETT: I didn't come prepared to decide what
5 the best mechanism was. Perhaps a more comprehensive
6 approach would be better, but we would have to see how it
7 would work.

8 MR. HAAS: Senator Gregorio, if I could mention in
9 light of yesterday's hearing in Livermore, as Bill Simmons
10 indicated then, as far as the Air Resources Board is con-
11 cerned we don't have any reason to be against a general
12 purpose regional in deciding or making the decisions on
13 the various allocations from the emission standpoint within
14 the basin.

15 THE CHAIRMAN: Yes.

16 MR. LOCKETT: Our problem is that we see that as a much
17 longer range process, that is, any legislation being passed
18 which would set up that kind of system, and in the short-run,
19 we think it is essential that we start the procedure of
20 getting air quality considerations into the planning process
21 soon, and that the only way to do that right now is to take
22 the existing basin-wide coordinating councils which are
23 admittedly a single-purpose agency and using them. As far
24 as later turning from a single-purpose special-purpose
25 agency, we don't see any problem --

26 THE CHAIRMAN: That is no problem with 1543 in terms
27 of that, but I am talking about the state.

28 MR. LOCKETT: Let me just add that I think there are

1 quite a few statutory provisions calling for a fairly
2 assertive role by the Governor's Office of Planning and
3 Research to integrate state planning. So I think --

4 THE CHAIRMAN: I guess that depends on how the parti-
5 cular type of government wants to use those powers.

6 MR. LOCKETT: That's true.

7 SENATOR STULL: Do you know?

8 THE CHAIRMAN: Well, this particular incumbent governor
9 has not used them perhaps as they ought to be used in my
10 opinion. We will see what the next one does.

11 MR. LOCKETT: Well, he has endorsed in the environmental
12 goals policy report which the governor issued, the environ-
13 mental holding capacity concept, and we think that is part
14 and parcel of the 1543 report, but our conclusion as to
15 Question 2, is that a mandated basin wide process which
16 integrates air quality into the present planning and deci-
17 sion-making structure needs to be adopted to make that
18 happen.

19 As to Question 3, what roles should local and
20 regional governments play in a long-range statewide com-
21 prehensive planning process, this again goes back to our
22 1543 proposal, which was discussed yesterday. It would
23 give the local units of government an emissions target to
24 measure their proposed plans against. This would provide
25 a basis for decision making at the local level. As permits
26 are requested and EIR's are formulated, the measure of the
27 appropriateness from an air quality view of the projects
28 would be the remaining emissions available that could be

1 utilized by the project and still project meeting air quality
2 goals. In some areas where air quality goals are not expected
3 to be achieved within the next ten years, projections could
4 be made to future years.

5 The planning needs to be done at the local level
6 with some basin wide and state activity. We believe it's
7 clear that there are issues which do transcend local bound-
8 daries, and we see air as one of these activities because
9 emissions generated in one location may have a significant
10 adverse impact many miles downwind.

11 The conclusion is the planning process in which
12 expenditures of public funds result in public works that
13 will be utilized for 20, 30 and 50 years, must help achieve
14 and maintain health protecting air quality. The legislature
15 needs to enact legislation which will enable California to
16 avoid future conflict between air quality and other goals.
17 Healthy air quality is both a social and environmental goal
18 which can be achieved in consonance with achieving other
19 long-term goals and the people of the state, local, and
20 regional agencies have roles to play in the recommended
21 process.

22 We want to know that the long-range process we
23 are discussing will not meet present federal requirements.
24 Until the Clean Air Act is amended, we do not forecast
25 meeting its present requirements by 1977, or .08 oxidant
26 in the foreseeable future in the south coast air basin.

27 THE CHAIRMAN: Thank you.

28 Senator Stull, do you have any questions?

1 SENATOR STULL: No.

2 THE CHAIRMAN: Mr. Harriman, did you have a question?

3 MR. HARRIMAN: Yes. I am not sure, Mr. Lockett, whether
4 I can phrase this in a way that will be meaningful to you,
5 but one of the things that the subcommittee staff is looking
6 at closely in relationships between various levels of govern-
7 ment, for example, regional, local, and state. I wondered
8 whether you had your marking -- particularly difficult
9 problems you had outside of personalities, say dealing with
10 different state level or local level agencies in the work
11 that you are trying to do. I don't know whether that is
12 too broad or not. What I am trying to get at is -- so that
13 when we draft the legislation, we can try to work some of
14 the bugs out in that process.

15 MR. LOCKETT: Well, thinking of two examples again, the
16 Water Board and Caltrans, the Federal Water Act calls for
17 very stringent water standards. We are working with the
18 Water Board and EPA which provides, I guess, 75 percent of
19 the money for the grants for clean water program in deter-
20 mining a specific policy and guidelines, what it means when
21 the Water Act says consistent with the Clean Air Act.
22 Trying to take those words and make them specific enough so
23 that we can see and provide answers on the level is a con-
24 tinuing problem, but I think that's part of the legislative
25 implementing process. As far as Caltrans is concerned, the
26 AB 69 language calls for a balanced transportation plan
27 which has significant reductions in air pollution. So as
28 we work with Caltrans in endeavoring to make that specific,

1 what constitutes a significant reduction, what is balanced
2 transportation, and what are the resources that can be
3 brought to bear to make that balance occur? Those on the
4 ongoing problems that we relate different mandates, one for
5 balanced transportation, one for clean water, and one for
6 clean air, and put those together, and hopefully it has the
7 maximum benefit.

8 THE CHAIRMAN: I think there was some testimony yester-
9 day that the City of Dublin was under an order not to build
10 additional sewage facilities from the Air Board, and at the
11 same time --

12 MR. LOCKETT: From the Air Board?

13 THE CHAIRMAN: Not to build. Whereas the Water Board
14 wants them to build.

15 MR. LOCKETT: I am unaware of any order or power that
16 the Air Board has to say no more sewer connections.

17 THE CHAIRMAN: No, not connections. No more facilities.
18 No more plants. No more additional building in that parti-
19 cular city, and we --

20 MR. LOCKETT: I am unaware that we have that authority,
21 or exercised it if we do.

22 MR. HAAS: Now this --

23 THE CHAIRMAN: Were you there yesterday?

24 MR. HAAS: Yes, I was.

25 THE CHAIRMAN: Do you remember?

26 MR. HAAS: My understanding was that it was in connec-
27 tion with the Bay Area Air Pollution Control District, and
28 I don't believe it was an air consideration that was actually

1 preventing or resulting in the prohibition of construction.
2 I don't believe that was what was being discussed.

3 THE CHAIRMAN: Perhaps I got it wrong, but I got the
4 impression one board was preventing what another board was
5 requiring. Perhaps I am wrong in that particular case, but
6 it does occasionally occur that these various board go in
7 contrary directions.

8 MR. HAAS: Certainly you could use it as an example of
9 say the Water Board founded an order to meet water quality
10 standards, additional capacity would have to be constructed,
11 and that the air quality in that part of the basin was such
12 that if you constructed the additional capacity, it wouldn't
13 meet the air quality standards. That certainly is quite
14 feasible.

15 MR. LOCKETT: But I am unaware that the local air
16 pollution control district has exercised the authority,
17 if it has it, to say you cannot have any further building
18 occurring.

19 THE CHAIRMAN: Well --

20 MR. LOCKETT: They can zero in on certain specific
21 emission limits from stationary sources, for an example,
22 but so long as the best technology is used that doesn't
23 preclude a given facility from being built if they meet
24 the emission standards for the stack, or whatever the
25 stationary source is.

26 THE CHAIRMAN: I can't remember now.

27 MR. LOCKETT: But on the water business, the decision
28 would be by the Water Board and EPA, which I would think

1 would override if it occurred.

2 THE CHAIRMAN: There is some review of substantial
3 projects on the single purpose consideration of air quality
4 though, isn't there?

5 MR. LOCKETT: Yes. The Air Resources Board does review
6 and comment under the CEQA process on the adequacy of the
7 analysis in the environmental impact report on the air
8 quality impact, including secondary effects caused by that
9 project, but it's only in a commenting role.

10 THE CHAIRMAN: It probably had to do with the avail-
11 ability of the federal funding. I'm sorry, I shouldn't
12 have interjected that.

13 Any other questions of this witness? If not,
14 thank you very much for your testimony. We will now take
15 an hour, and reconvene here at 1:00 o'clock.

16 (Lunch recess.)

17 THE CHAIRMAN: We are going to reconvene now, and the
18 next person on the list of witnesses, who is here, I think,
19 is John Nevitt, Assistant Chief Air Pollution Analyst, Los
20 Angeles County Air Pollution Control District.

21 Mr. Nevitt?

22 We do have a written statement from you, and we
23 appreciate that. It appears to be fairly brief.

24 MR. NEVITT: I can go ahead and read it, or summarize
25 it a little bit as I go.

26 THE CHAIRMAN: Fine, if you want to summarize it, that
27 is great.

28 MR. NEVITT: Mr. Chairman and Members of the

1 Subcommittee on Land Use Planning, I am John S. Nevitt of
2 the Los Angeles County Air Pollution Control District, Assis-
3 tant Chief of Evaluation and Planning Division.

4 I appreciate the opportunity to appear here today
5 to express the views of the Los Angeles County APCD on long-
6 range land use planning as that process is related to main-
7 tain clean air.

8 The separate environmental problems of land use
9 and air quality particularly demonstrate the need for the
10 physical and social sciences to work together. Physical
11 laws, especially those based in chemistry and climatology,
12 must be considered together with the constraints of social
13 values, such as people's welfare, activities, and attitudes.
14 All are part of man's total environment; all affect the total
15 quality of life; all vary from location to location within
16 the state.

17 Because of the nature of APCD activities, our
18 involvement in land use planning is quite limited. Neverthe-
19 less, we recognize the social benefit of land use planning
20 and advocate that air pollution be one of the elements of
21 a land use plan along with other elements developed in con-
22 sideration of all pertinent impacts and needs of society.

23 Realistically, long-range land use planning will
24 not be a significant factor in achieving clean air because
25 control programs now underway should result in attainment
26 of air quality goals in the short to intermediate term. It
27 is possible, however, that land use planning will be helpful
28 in maintaining clean air, especially in areas that are

1 relatively undeveloped. In a metropolitan area such as Los
2 Angeles, which is already highly developed, there is little
3 value for air pollution control in regulating land use.
4 Clean air will be achieved by direct source control.

5 The recent National Academy of Sciences report
6 on air quality and automobile emission control made certain
7 findings of potential significance in evaluating future
8 policy options. The report states that, "Modifying land
9 use patterns so as to reduce mobile emissions would appear
10 to be a limited or mixed possibility at best." And that,
11 "Some land use policies might have surprising or perverse
12 results."

13 Regarding urban areas the report found that,
14 "Centralization of residences and work places within urban
15 areas seems to increase rather than reduce exposure to
16 unsafe air quality levels despite the resultant decrease
17 in automobile travel. Decentralization, on the other hand,
18 may help for some pollutants. The increase in total vehicle
19 miles of travel created by decentralization seems to be
20 offset by reductions in spot densities. However, even
21 substantial decentralization would only partially achieve
22 the objectives mandated by the 1970 amendments to the Clean
23 Air Act, and centralization could well hurt more than it
24 would help."

25 From an air pollution standpoint, we believe land
26 use plans could support decisions for dispersing the loca-
27 tions of large source areas or large point sources of pol-
28 lution. Examples would be the siting of large industrial

1 operations with serious pollution potential or the location
2 of major installations that generate traffic, such as air-
3 ports, et cetera.

4 Today's hearing was to focus on the specific
5 issues of coordination, conflicts, and problems resulting
6 from planning efforts of local, regional, and state govern-
7 ments. We believe that these issues are important and
8 coordination between agencies with pertinent involvement or
9 expertise is essential. Since land use plans should be
10 developed with consideration of many factors -- air, water,
11 housing, education, health, et cetera -- it would be diffi-
12 cult for one agency to be expert in all fields. There should
13 be full advantage taken of the expertise in these fields
14 already existing in certain agencies rather than competition
15 that would create conflicts with those agencies.

16 I'd like to divert from the statement. We haven't
17 addressed the specific six issues listed. We could enter-
18 tain questions in those areas.

19 I did outline a couple of examples of conflicts
20 that have occurred to us in our recent operations. One
21 example of a conflict building concerns the Coastal Zone
22 Plan of the California Coastal Zone Conservation Commission.
23 As the agency charged with responsibilities for air pollution
24 control in this county, we have reviewed certain elements of
25 this plan and submitted our recommendations to the commission
26 staff. With apparent disregard for these recommendations,
27 many regional coastal plan findings and policies have been
28 established for air quality purposes with no rational basis

1 for such action.

2 THE CHAIRMAN: What do you mean by that?

3 MR. NEVITT: The what is it, the land operator -- the
4 environment element, and the region element, and the land
5 environment element. There have been some findings and
6 policies set down in there that direct us as to how the
7 land and the permit area, and possibly extending into the
8 five mile area will be used, and they are addressing them-
9 selves to air quality throughout a large regional area. We
10 don't see that as part of their charge, and we don't see
11 any substantiation. I think sulfur dioxide is a good example.
12 They, in effect, proposed a moratorium or a prohibition on
13 any further power plant construction in the coastal area
14 that would be the permit area, the thousand-yard area
15 explaining that SO₂ was the problem. The fact is that all
16 SO₂ standards for the state and federal governments are
17 being met in this county, so that is a good example.

18 THE CHAIRMAN: In other words, they have established
19 an air quality standard, or goal, without substantiating
20 that standard?

21 MR. NEVITT: Yes. That's true. There are some general
22 statements that air quality is poor or this would have an
23 adverse impact in inland areas, for instance. Just basing
24 that statement on --

25 THE CHAIRMAN: You are talking about this particular
26 region?

27 MR. NEVITT: Yes. I am speaking of the south coast.

28 THE CHAIRMAN: South coast region?

1 MR. NEVITT: Yes, and we weren't involved with that.
2 That would be the coastline of Orange and Los Angeles
3 Counties in that. This is irresponsible planning that
4 benefits no one. Control programs are being implemented
5 by the agency of jurisdiction to conform with federal, state,
6 and local laws. These laws are designed to achieve and main-
7 tain clean air, and the coastal plan should recognize that
8 fact. To correct the situation, we believe that the coastal
9 plan should be required to be consistent with control pro-
10 grams in effect in the region of concern. There is a final
11 point, on January 7, 1975, the State Energy Resources Con-
12 servation and Development Commission will be created as a
13 result of passage of the Warren-Alquist energy bill this
14 year. This new act preempts the authority of air pollution
15 control districts to control permits for new power plants
16 or plant modifications.

17 I might emphasize here we are preempted for
18 granting permits for power plants because of that law.

19 THE CHAIRMAN: But doesn't that law provide for some
20 input?

21 MR. NEVITT: Yes, sir, it does.

22 THE CHAIRMAN: So you may not have the decision, but
23 on the other hand, you still do study the particular pro-
24 posed projects and are able to have technological and other
25 kinds of input to afford the decision-makers the necessary
26 information?

27 MR. NEVITT: We can do that. We can also do that too
28 for the coastal commissions. The coastal division would be

1 a good example of that mechanism right now.

2 THE CHAIRMAN: Did you give them information?

3 MR. NEVITT: Certainly.

4 THE CHAIRMAN: Upon which they should, in your opinion,
5 have come to some different conclusion than they did?

6 MR. NEVITT: Yes. We did that.

7 THE CHAIRMAN: Did you work fairly closely with the
8 coastal commission?

9 MR. NEVITT: Yes, sir. Also in written comments two
10 or three different hearings. We don't see the results of
11 any of that commentary in the findings -- final findings
12 of policy.

13 THE CHAIRMAN: I'm sorry. You were about to read your
14 last two sentences.

15 MR. NEVITT: I was going to make an aside here although
16 we don't have control over the permit in granting a permit
17 for these power plants. We certainly -- plants that would
18 be erected exercise our power to cite for violations, and
19 use legal remedies available to us to correct problems.
20 While we recognize the merit of achieving an objective of
21 "one-stop shopping" for power plant siting, we believe that
22 the preemption of a local air pollution control program is
23 not desirable and sets a potentially dangerous precedent.
24 The "one-stop shopping" was not achieved any way by this
25 power plant siting legislation since installations still
26 must receive separate approval from the Coastal Zone Com-
27 mission if applicable. We recommend that this law be
28 amended to restore local agency authority to regulate power

1 plant construction. That concludes my remarks.

2 THE CHAIRMAN: Senator Stull?

3 SENATOR STULL: Testimony from Mr. Lockett and Mr.
4 Haas -- I don't remember which -- talked about you people
5 had your own, for the last 20 years, standards and system
6 of determining these standards and testing and that differed
7 from theirs or the rest of the state. Are you people still
8 standing on your method?

9 MR. NEVITT: Yes, sir. You are referring to the contro-
10 versy surrounding the oxidant calibration.

11 SENATOR STULL: Whatever.

12 MR. NEVITT: And the difference is in oxidant readings.
13 I might elaborate a little bit on the findings of the com-
14 mittee that was appointed by the Air Resources Board, which
15 was a five-member committee, represented from the Bay Area,
16 and from EPA Bay Area APCD EPA. I believe Air Resources
17 Board had a member on it, and a few -- the chairman of it
18 was Mr. William Demore, a noted scientist in the ozone field
19 with Jet Propulsion Laboratory in Pasadena. Mr. Demore
20 reported at the last Air Resources Board meeting the pre-
21 liminary findings of his committee. The final report will
22 be out before the first of the year there. The findings
23 announced by Mr. Demore -- Dr. Demore were that compared
24 to a standardized base for ozone. The Los Angeles County
25 readings were five percent low. The EPA procedure readings
26 were 24 percent high, and the Air Resources Board procedure
27 was 29 percent high. The newspaper reported that the L.A.
28 County method was found to be accurate. That word "accurate"

1 is accurate, because being five percent low throws us within
2 the accuracy plus or minus five percent, however it may be
3 in the final report that our readings possibly could be
4 recommended for change to five percent to amount to five
5 percent. Similarly though, the other methods back the
6 historical data. It is just conjecture to recommend, but
7 the readings at this point of the public statements by this
8 committee is that the ARB is 29 percent high.

9 SENATOR STULL: I have another question.

10 THE CHAIRMAN: Yes, go ahead.

11 SENATOR STULL: I asked Mr. Haas one time in Sacramento,
12 after some testimony he gave on the bill, whether all this
13 talk about the Air Resources Board, and what they have been
14 doing, and haven't been doing, has had any noticeable effect
15 on the level of pollutants over the years that they have
16 been working here. Have you noticed anything in Los Angeles
17 that you have reduced anything by whatever you have been
18 doing?

19 MR. NEVITT: Because there is an Air Resources Board?

20 SENATOR STULL: No, because of anything you have done
21 or anything that they have done?

22 MR. NEVITT: Oh, because of our agency? Certainly.

23 SENATOR STULL: You stopped --

24 MR. NEVITT: You are saying let's split our federal
25 programs?

26 SENATOR STULL: No. What I am saying is, has there
27 been any reduction of air pollution as a result of all of
28 your efforts, and the expenditure of monies, and so on?

1 MR. NEVITT: There certainly has, Senator, we can
2 demonstrate that very vividly. About 12 -- 1955, it was,
3 we have a level that is called an alert, and there are about
4 15 alerts in Los Angeles County. That's where the oxidant
5 reading reaches a level of an approximate half a part per
6 million instantaneously. That level has been reached once
7 in each of the last three years compared to 15 times in
8 1955. That's a good example.

9 THE CHAIRMAN: That is .5?

10 MR. NEVITT: Yes, of oxidant or ozone. There are many
11 other -- the trends are down markedly in downtown Los
12 Angeles, and they have peaked at all the air monitoring
13 stations, and are trending down to the east of Los Angeles.
14 Change in the nature of the photochemical reaction with
15 changing ratios of nitrogen oxidants and hydrocarbons both
16 which originate primarily from motor vehicles has caused a
17 slowing in the reaction that results in ozone production
18 such that peak readings were experienced east of Los
19 Angeles -- I should restate that. The readings peaked east
20 of Los Angeles at that time later than they did in Los
21 Angeles, because of the slowing in the reaction of the time
22 that it takes for the ozone to build up in the atmosphere,
23 but even readings in Riverside, for instance, or Azusa, and
24 those stations displaced from them the real source area
25 which is downtown Los Angeles have now peaked noticeably.
26 Other contaminants, similarly. SO₂ is a good example.
27 Sulfur dioxide, like I just mentioned, complies with air
28 quality, meets all the federal and state standards except

1 for maybe once a year. The state recently changed their
2 standard which helped it out a little bit. There was a
3 significant reduction in those levels, because of the use
4 of lower sulfur bearing oils. Low sulfur oils. That is
5 about one-third of the sulfur content of the old oils. Now,
6 there was at one time a few years ago, when we had 80 or 90
7 percent natural gas being used in the large power plants,
8 but they no longer enjoy that level of gas for service.
9 Now in Los Angeles County we will be burning 80 to 90 per-
10 cent oil this year. And so that situation turned around,
11 but nevertheless --

12 SENATOR STULL: Even with the oil burning you had a
13 reduction in the --

14 MR. NEVITT: We now comply with the standards, the
15 federal standards. I don't want to jump on the fact they
16 changed the standards. The state has relaxed a little bit
17 recently, but the federal standard was complied with, and
18 we were still in violation of this very stringent state
19 standard.

20 SENATOR STULL: The 1955 level that you mentioned was
21 way above the current standard?

22 MR. NEVITT: For sulfur dioxide. Yes, sir, that's
23 true. You are looking for other impacts of air pollution
24 programs?

25 SENATOR STULL: I just wondered. I keep hearing about
26 all of this, and it has not been one of my bags to get into
27 the details of it. I am curious with what I read, and so
28 on, and the bills that come up before us, whether all this

1 work and effort is doing anything.

2 MR. NEVITT: It certainly is. The Air Resources Board
3 has a series of reports, trend reports, that demonstrate
4 that. So far they have issued a few where oxidants and
5 carbon monoxide -- carbon monoxide is another example of
6 reduction in concentrations.

7 SENATOR STULL: Their reports would be statewide or
8 just for the Los Angeles area?

9 MR. NEVITT: Well, the ones I am familiar with involve
10 the south coast air basin.

11 SENATOR STULL: Should we be able to see something if
12 this new device, this Nox device, has any effect? How long
13 is that going to take?

14 MR. NEVITT: We believe that the difference is virtually
15 going to be imperceptable for that. That will be a transi-
16 tory fix since it's being put on cars that are already --
17 typically had half their lifetime. They are cars that are
18 seven years old on the average, '66 through '70. Those cars
19 aren't going to be on the road much longer. So that will
20 be -- the impact of that reduction for those motor vehicles
21 will only be felt for the rest of the lifetime of that car
22 population, and even qualifying, saying that there is going
23 to be virtually imperceptable change there, although every
24 little bit helps, I guess. We couldn't say that you are
25 going to see a great big change, because of the 1966 to
26 1970 vehicles. Supervisor Hahn is trying to --

27 SENATOR STULL: Get the bill together?

28 MR. NEVITT: He is trying to introduce a bill, I guess,

1 in the session that we have next month to cancel a program,
2 in effect, but it is going to be rather awkward, and many
3 people have already installed the device, and have spent
4 \$35 to do it.

5 THE CHAIRMAN: I'd like to ask if you have a reaction
6 to Senate Bill 1543. You had some significant testimony
7 yesterday and also representatives from the Air Resources
8 Board testified today in regard to that legislation. I
9 assume that you are familiar with it. You didn't mention
10 that, I don't think, in your presentation. Do you generally
11 agree with this approach?

12 MR. NEVITT: Well, we have looked at that as it came
13 out a couple of years ago. We feel that the emissions allo-
14 cation for motor vehicles which is a primary source, is not
15 really a good approach. Of course, it is our position that
16 the fix on it that the technology to control motor vehicles
17 is going to achieve the standards. We analyze the source
18 area of highest emission density, which is the downtown
19 business district, and look at the concentrations and recep-
20 tors in the receptor areas where that air parcel is trans-
21 ported, and we see oxidant standards being achieved through
22 this. That is looking at the motor vehicle problem.

23 THE CHAIRMAN: I don't think I follow that. I'm sorry.

24 MR. NEVITT: I am trying to rule out the use of allo-
25 cations by -- on a grid basis for motor vehicles emission.
26 We think that you have to control the motor vehicle at the
27 source to achieve the oxidant standard which is the one
28 that's really related to vehicle emissions.

1 THE CHAIRMAN: Isn't that a trick of simply trying to
2 dry your regions so that they have some meaning in the term
3 of the origin, or the origination of the polluting vehicle?

4 MR. NEVITT: You say some kind of a trick to --

5 THE CHAIRMAN: Well, isn't it a question of simply
6 drawing jurisdictional lines in terms of this kind of process
7 so that you have some control over the vehicles that are doing
8 the polluting for the area that you are concerned with?

9 MR. NEVITT: You are speaking of --

10 THE CHAIRMAN: Air moves. What you are saying is air
11 moves?

12 MR. NEVITT: True.

13 THE CHAIRMAN: And since it moves from the place it was
14 emitted in polluted form to the place where actually the main
15 oxidant impact is received, this creates a problem, is that
16 what you are saying?

17 MR. NEVITT: We look at the source receptor relation-
18 ship, and taking the worst case, we figure if you can solve
19 the worst case, then the others will be solved. The worst
20 case is downtown Los Angeles as a source area. The receptor
21 areas for that are notably Pasadena and Azusa to the east --
22 the northeast of Los Angeles. I am trying to say that the
23 source control on a motor vehicle that is in the law, there
24 are going to be a few, probably a few slight changes to the
25 emission standards, and there could be some change in the
26 deadline, but that will result in achieving the federal air
27 quality standard for ozone oxidant. You are not going to
28 have to look at grids and say how many cars can traverse in

1 a certain grid area to do this. We think there could be
2 merit to a grid system where it would be like a zoning
3 application for large stationary sources. That possibly
4 would be of benefit.

5 THE CHAIRMAN: The biggest problem is automobiles?

6 MR. NEVITT: Yes, sir.

7 THE CHAIRMAN: Much more than half of the total problem

8 MR. NEVITT: Yes.

9 THE CHAIRMAN: Now, maybe I'm -- my memory is incor-
10 rect again, but I thought that I heard -- I thought that
11 it was Mr. Simmons say that compliance with some of the
12 standards would help for awhile, but in the long run, that
13 if we continue to have more automobiles and more traffic
14 in the same area, that the problem is going to get worse
15 again; isn't that what he said? Now, does that square with
16 what you are telling me, that if we have these standards,
17 and we comply with them in terms of the automobile itself,
18 that eventually we are going to fix the problem, or am I
19 comparing the wrong things?

20 MR. NEVITT: No, I see what you are saying there. And
21 that's an accurate -- it's an accurate statement to equate
22 those two. That does not square with what we are saying.

23 We are saying that the standards that are in
24 law for the motor vehicles when you achieve the standards
25 you are going to be achieving it for a case. Like I keep
26 referring to the downtown Los Angeles case. That is the
27 most densely trafficked area in our jurisdiction, and
28 probably in California, I would think. The emission density

1 there -- we can't envision it getting any more dense than
2 that in the future, because of other constraints such as
3 the amount of traffic, such as the width of the streets.
4 You couldn't get enough vehicles in there. In our analysis,
5 there is at least a 40 to 50 percent margin of safety in
6 achieving this standard. In other words, we could stand
7 in excess or additional traffic density of 50 percent there
8 and still meet the standards. And so, the traffic of down-
9 town Los Angeles has changed possibly generously ten percent
10 in the last 20 years. So it's quite flat. You can't get
11 any more traffic in there. We don't see that density being
12 exceeded in the future in any other area, and like I say,
13 we are already --

14 THE CHAIRMAN: But let's say you doubled the population
15 in the Los Angeles basin. Are you going to have other com-
16 mercial and other business areas that are comparable with
17 similar kinds of densities and isn't this going to substan-
18 tially increase your pollution problems?

19 MR. NEVITT: You could get -- right now, we only have
20 one area that has that density. Maybe this area where we
21 are this afternoon could become that same way. The airport
22 area has to be the second most dense area in our group,
23 because of the traffic from the airport.

24 THE CHAIRMAN: You say, if the general population in
25 the whole basin increases substantially, then you are going
26 to have other areas that come closer to that sort of danger.

27 MR. NEVITT: Yeah. That was the point I was trying to
28 make exactly. If you solve that worst case, so you could

1 have -- they could all be that way. So you have solved
2 this one. So you have solved those other problems that
3 you could envision coming. If you solve this one, you
4 have air traversing over that and every area has a separate
5 partial, as they call it, moving over that. In other words,
6 it is not all being injected in the same partial air moving
7 over. In other words, we don't see the whole county, or
8 the basin, as one big box where you add up all emissions
9 and divide by something.

10 THE CHAIRMAN: Okay, so what you are saying is that
11 air that is polluted in Inglewood, doesn't get to the same
12 place that air that is polluted downtown gets to.

13 MR. NEVITT: Well, not at the same time, anyway. It
14 could easily get there, but air is moving --

15 THE CHAIRMAN: On the same day?

16 MR. NEVITT: Sure, it could get there on the same day.

17 THE CHAIRMAN: But isn't each day a case of build-up
18 over a day?

19 MR. NEVITT: But the air is continually moving. It
20 is moving out, so if this -- the downtown partial let's
21 say, is moving to Pasadena, and then right behind it comes
22 the partial from Inglewood, so they are not commingling or
23 they are not additive backed up. This one is clean, and
24 this one isn't. So there is air moving an average of four
25 miles an hour, let's say, technically. But I am just trying
26 to get away from this concept of things being additive in
27 the basin. They don't add up all the time in geographical
28 areas, and say that things are getting worse. In other

1 words, let's take the Antelope Valley, to the north. Here
2 it is relatively undeveloped with a certain tonnage of
3 emissions out there. Now, if we triple that tonnage out
4 there and spread it around, we don't see you are going to
5 have a tripling in the severity in the pollution in the
6 ambient air. If that is -- if you see that concept.

7 THE CHAIRMAN: I see what you are saying. I am not
8 sure I can grasp it in terms of what I have previously
9 understood the problem to be.

10 As I recall, you have finished your statement.

11 MR. NEVITT: Yes.

12 THE CHAIRMAN: Do you have any further questions,
13 Senator Stull?

14 SENATOR STULL: This recommending that the law be
15 amended to restore local agency authority, are you talking
16 about the Coastal Zone Commission? That was the last sen-
17 tence.

18 MR. NEVITT: Well, that particular statement --

19 SENATOR STULL: Or did that refer to the power plant?

20 MR. NEVITT: Power plant. We will take exception to
21 the precedent being set there. As Senator Gregorio points
22 out, there is an arrangement to work with that commission.
23 Hopefully, that relationship will prove to be better than
24 the one at the Coastal Commission.

25 THE CHAIRMAN: Mr. Harriman?

26 MR. HARRIMAN: I just wanted to question something on
27 Page 2. Basically, your first paragraph, which seems counter-
28 intuitive to me. I don't know whether it struck other people

1 who have been working in this area the same way, but you
2 are saying that "Will not be a significant factor in
3 achieving clean air because control programs now underway
4 should result in attainment of air quality goals in the
5 short to intermediate term." But yet most of the land use
6 planners that I have been talking to are looking toward
7 greater density in certain urban areas, which is going to
8 mean, if we use automobiles, thrusting more automobiles in
9 the same space where there were fewer automobiles before.
10 Now, that -- I don't know the figures on it, but would that
11 still be overcome by these control programs now if we started
12 pushing more people back into an urban area using more cars
13 even with improved technology?

14 MR. NEVITT: First I want to say that the emphasis in
15 that sentence is on achieving -- to achieve it. We have
16 already developed the urban area here, and can't change a
17 lot of land use in the metropolitan area that is developed
18 here. You have to solve some difficult problems without
19 going back and starting from scratch. It is already developed
20 and the way to do that is to control that motor vehicle
21 source, and yes, in answer to the direct question, we believe
22 the analysis is proving out with the trends being noticed
23 in the atmosphere, but the control program and the federal
24 standards will achieve this level.

25 MR. HARRIMAN: I guess what I am thinking about is --
26 I am trying to relate that to the fact that we might move
27 toward rapid transit. In order to get rapid transit, you
28 need greater density, and prior to the building of the

1 rapid transit, you are going to be using more automobiles
2 in that greater density, and I am trying to determine what
3 kind of effect that would have as regards to long-range
4 land use planning. In other words, which way should we go?

5 MR. NEVITT: As far as density, for instance?

6 MR. HARRIMAN: Yes.

7 MR. NEVITT: Well, the more you can spread out emissions
8 the better you are.

9 MR. HARRIMAN: Then you have some real energy problems.
10 You see this is precisely the kind of policy planning diffi-
11 culties that the subcommittee staff has been facing, because
12 for one purpose, the air quality, it's good to spread people
13 out, and for the other, for energy consumption, financial
14 aspects say of employment, lower income workers having to
15 move from great distances.

16 MR. NEVITT: Well, we see -- if you can meet it for
17 the most dense area, you are just talking about making more
18 areas that are that dense. I think some people get confused
19 in talking about meeting the standard -- the standard is .08
20 and any air that meets that standard from zero one six up
21 to .08 is clean air. Now, there is no use talking about
22 cleaner than clean. So I hope you are not talking about
23 that, about having it below -- but once you get down below
24 .08 there is nothing to be gained by going to .06 or .05.
25 It's clean air, and that has been established on the basis
26 of health effects. So we are talking about meeting the .08
27 standard, and if we meet that for the most dense area so
28 maybe some of the areas that are less dense than that are

1 down in here, that's just gravy, but you don't have to be
2 concerned about the fact this is .075, and this is .03, and
3 they are all the same under there realistically speaking.
4 Clean air is clean air.

5 THE CHAIRMAN: You are talking about .08 on the worst
6 day?

7 MR. NEVITT: In the federal standards, you are allowed
8 one day a year to exceed this. You really should meet it
9 every day.

10 THE CHAIRMAN: But that's an hour continuous?

11 MR. NEVITT: That's one hour average, yes, sir, for
12 oxidants. The standard in the State of California is .10.

13 THE CHAIRMAN: Right.

14 Did you have something else, Mr. Harriman?

15 MR. HARRIMAN: I just wanted to go off the record.

16 (Discussion off the record.)

17 MR. HARRIMAN: The issue that is troubling me, and I
18 am not sure I am asking you a question. If you have any
19 comments or remarks on it, Senator Gregorio, on the way
20 down on the plane some people were talking about building
21 houses. They were talking about the price of houses. If
22 we are going to build a greater density in order to provide
23 decent housing for all income groups, and we are going to
24 provide some sort of transportation for them, I am just
25 trying to determine which way we go to maintain those pri-
26 mary standards. If we built rapid transit, and say in this
27 plan whether this should be considered, and whether we plan
28 on technology or not.

1 MR. NEVITT: Well, I might -- I did mention a quotation
2 that I took out of the National Academy of Sciences report
3 that centralization issue --

4 MR. HARRIMAN: I intend to look at that report.

5 MR. NEVITT: It is a four-volume report. Our analysis
6 wouldn't -- I keep saying this about the most dense area,
7 but to increase the density, we have already had to address
8 that problem, because that's the problem at hand right now
9 in downtown Los Angeles area. We have had to address our-
10 selves to that problem. We have a lot of input to the level
11 of air -- I mean of emission standards for motor vehicles,
12 and certainly very active in that even though we don't have
13 jurisdiction over that. So really, just to address your
14 concern about higher density residential locations, for
15 air quality, it wouldn't really cause violations when the
16 standards are achieved. You would have the case of where
17 you maybe would have some air cleaner than other air under-
18 neath that meets the standard, but that's not important how
19 low you are under the standard. Once you are under the
20 standard it's all the same in our view.

21 THE CHAIRMAN: Well, as I understood your comments about
22 the report, it could go either way too in some cases, more
23 dense utilization might be advantageous, and this would be
24 countered in other cases, but that the total effect seems
25 fairly marginal, and this, of course, is only one of the
26 parameters that you are discussing which is air quality
27 versus other kinds of things like energy use, and trans-
28 portation efficiency, and other social and economic factors

1 like for a more efficient use of air.

2 MR. NEVITT: That's right. The report in the National
3 Academy of Sciences does speak about decentralization possi-
4 bly being helpful. That is argued the more you can spread
5 out the emissions the better you are, but to be realistic,
6 you have to examine the case at hand, which is a very cen-
7 tralized and highly -- I mean a very high density of emis-
8 sions. That problem has to be solved.

9 THE CHAIRMAN: Any further?

10 SENATOR STULL: No.

11 THE CHAIRMAN: Thank you very much for your testimony.
12 You have been very helpful.

13 We went through the list once, has there been
14 anybody come in since we started this afternoon who would
15 like to testify who is on the list?

16 MR. ROPER: Yes. I am on the list. I am David Roper
17 from Caltrans.

18 THE CHAIRMAN: Good. Would you like to step forward.

19 David H. Roper, Deputy District Director, Trans-
20 portation Planning, California Department of Transportation,
21 also known as Caltrans.

22 There have been several -- since you weren't here,
23 there have been several people comment on the affirmative
24 role that Caltrans displayed in local planning, both here
25 in this area, and also yesterday there was some testimony
26 about Caltrans' role in the San Diego area, where you have
27 been corroborating in the air quality -- I forget what you
28 call it, team? You call it a team?

1 MR. ROPER: Yes.

2 THE CHAIRMAN: We have heard some good things about
3 what you are doing. So we would like to hear from you.

4 MR. ROPER: That's nice of you to say that, Mr. Chair-
5 man.

6 For the record, I am David Roper, I am Deputy
7 District Director for Caltrans in District 7, Los Angeles,
8 in charge of transportation planning. I have a short state-
9 ment, and it will be available for any questions somebody
10 might have.

11 Accessibility or the existence of transportation
12 facilities is a major factor in land value and in land use.
13 Unfortunately, transportation planning, because of its
14 reliance on detailed land use information, has by default
15 usurped land use planning in many instances.

16 Historically, decision on the layout of streets
17 was the first step in city planning. Frequently, in the
18 United States, the transportation systems were defined by
19 rectangular grids laid over the land with little regard
20 for topographic considerations.

21 It is widely held now that transportation is only
22 one element of urban planning and should be developed con-
23 currently with other elements as part of a comprehensive
24 land use plan. The comprehensive approach should include
25 a diversity of input, including national, state, regional,
26 and local interests.

27 The comprehensive planning approach should include
28 goals and objectives to be achieved in the fields of economics,

1 social welfare, and the environment with transportation
2 planning goals subordinated to and coordinated with those
3 goals.

4 For the most part, land use goals are largely
5 set locally, and while other goals in the areas of social
6 welfare, economics, and the environment involve regional,
7 state, and national interest as well as local. Goals some-
8 times appear at cross-purposes. A regional goal may be in
9 direct contradiction of a local goal. And local goals may
10 be adverse to the interest of adjoining cities. Resolution
11 of these issues requires effective intergovernmental rela-
12 tions.

13 In setting regional and state goals consideration
14 must be given to the impact upon other regions. There is
15 concern for instance for the air quality of the southwest
16 region of the United States as it may be affected by air
17 pollutants generated in the Southern California region.

18 It is implicit in transportation planning that
19 judgments be made on goals -- what they are, and which are
20 preeminent. Well accepted land use in transportation goals
21 are a necessary foundation for timely and successful devel-
22 opment of transportation systems.

23 Some environmental goals, including those in the
24 area of air quality, have been firmly and clearly set. It
25 has been suggested that these goals were not established in
26 full consideration of their economic and social impact. But
27 what are the economic and social goals to serve as a guide
28 in transportation planning and decision making. These

1 decisions should be made by appropriate levels of government
2 and not by transportation planners. And what has been hap-
3 pening, is that the transportation systems are developed
4 and use de facto land use decisions.

5 Once the goals have been agreed upon, they can
6 guide the efforts of a wide range of interests -- govern-
7 mental and private. The planning and implementation process
8 should then be able to proceed without protracted litigation
9 and delay.

10 As far as interfaces of the various governmental
11 agencies, various levels, and how you might bring that about,
12 it should be considered in terms of achieving the best pos-
13 sible comprehensive land use and transportation plan.

14 The interfaces must allow for the real and legi-
15 timate interests of individual communities and incorporated
16 cities. Local authority in control over land use is long
17 established, and we support that it continue to be -- that
18 there continue to be a strong local voice in land use.

19 We believe that local government can best pro-
20 mote and preserve the aspirations and desires of a community
21 relative to the use of land and in other areas of community
22 development and growth. Interface, then, with local interests
23 should continue the role of local political action in govern-
24 ment in planning cities and communities.

25 The interface with regional levels must also
26 recognize the legitimate and vital interests of the region.
27 The scope of local government cannot fully encompass regional
28 needs. These needs may in fact be contrary to purely local

1 interests. The regional needs should nonetheless be developed
2 and agreed upon at the regional level and incorporated as
3 appropriate in the land use plans, including those at the
4 local level.

5 Regional interests may include clean air, water,
6 sanitation, housing, and transportation. The regional char-
7 acter of these needs are of course evident in the Los Angeles
8 region. Here the plans and land uses of one city or com-
9 munity impose profound impacts on other cities in the region.

10 Therefore, the interface of levels of government
11 should allow for achievement of regional goals developed at
12 the regional level, in close cooperation, coordination, and
13 participation of the local levels of interests.

14 Interfaces must also consider the requirements
15 of a state level of interest in preserving the rights and
16 interests of regions and of the state as a whole.

17 Sources of air pollution resulting from land use
18 development are to be controlled at the local level in con-
19 formance with state and federal regulations to achieve or
20 maintain safe air standards established nationally by con-
21 gress. In this instance, state interest is defined by
22 federal law.

23 There is, then, a state level of interest even
24 in local planning at the interface of the levels of interest
25 in land use planning must provide for enforcement of those
26 legitimate state level goals.

27 A major requirement of the interface of levels
28 of interests is recognition of the large population and land

1 resources of such agencies as Los Angeles City and Los
2 Angeles County. The determination of regional goals and
3 state goals must be equitable to these giants. Yet our
4 more than 140 smaller incorporated cities in the Los Angeles
5 region will require no less authority to achieve their
6 legitimate planning goals.

7 The interface of local, regional, and state
8 levels of interest then should promote and preserve the
9 legitimate authority and prerogatives of each level.

10 There are a number of alternative means of devel-
11 oping and implementing comprehensive land use planning
12 policies. Caltrans is coordinating successfully with a
13 wide variety of organizational arrangements and at this
14 time has no position on a preferred type.

15 Whenever we think of the Los Angeles area, and
16 consider the interface of government, the governmental
17 levels, it is natural for us to think of SCAG, Southern
18 California Association of Governments, and as I am sure
19 you are aware, it is an organization of local and regional
20 interests, represents an example of interfacing organiza-
21 tion between state, regional, and local levels of government.
22 It is a voluntary association which stresses regional cooper-
23 ation from regional problems, and the development of compre-
24 hensive regional plans. We have been working very closely
25 with SCAG on the development of a transportation plan for
26 this region. We see the interface of governmental levels,
27 whether it be in transportation or whether it be in land
28 use, we see that being quite effectively brought about by

1 the SCAG organization. I happen to be familiar with the
2 transportation aspects of it, but in the organization such
3 as SCAG, we think can be an effective means of bringing
4 about the intergovernmental relationship. This means that
5 the planning and decision-making process must provide a
6 method of resolving inevitable disputes that will arise.
7 We know there will be disputes if SCAG is to achieve timely
8 adoption of plans. And so any mechanism that is set up
9 must allow for the resolution of the various issues that
10 are bound to come up. We think that a similar mechanism
11 is needed to resolve issues that involve incorporation of
12 state level interests into local and regional land use plans.

13 As a summation then, we feel that land use plan-
14 ning should very definitely precede transportation planning,
15 but should at the same time proceed somewhat concurrently
16 with -- bring them along together. We feel that transpor-
17 tation planning should be supportive of the local-regional-
18 statewide land use planning goals. That land use planning
19 goals should fully consider economic, social, environmental
20 goals that interfaces between state, regional, and local
21 levels of interest should preserve and promote the achieve-
22 ment of each entity's legitimate goals.

23 We feel there are a number of alternative methods
24 which exist to remedy the existing lack of coordinated
25 state land use policies. And we take no position at this
26 time as to which might be the best.

27 We know SCAG is an operating example of organ-
28 izational interface between state, regional, and local

1 interests. And that the decision-making process should
2 include a mechanism to resolve differences in the three
3 levels, local, regional, and statewide interests.

4 I would be happy to expound any questions that
5 the committee might have, Mr. Chairman.

6 THE CHAIRMAN: Senator Stull?

7 SENATOR STULL: No.

8 THE CHAIRMAN: Let me ask you one question first that
9 was brought up a couple of other times. One of our wit-
10 nesses this morning said that he felt that at the state
11 level that we seem to be developing the same syndrome that
12 has developed in the San Francisco Bay Area.

13 That is, a bunch of the single-purpose agencies
14 dealing with their own problems, have experienced problems
15 of lack of coordination. We have people dealing with air,
16 people dealing with transportation, people dealing with water,
17 people dealing with their own thing, and zeroing in on their
18 own thing, and having sometimes quite conflicting and uncoor-
19 dinated effects on the process of planning. Now, in part,
20 I hear you saying that at the state level -- and what you
21 are suggesting basically is that a clear set of planning
22 goals and standards to which each of these agencies could
23 address themselves would be probably the most helpful solu-
24 tion to this problem as well?

25 MR. ROPER: Yes. I believe that the -- one of the big
26 voids we have now is the lack of those goals.

27 THE CHAIRMAN: You think that this would help to solve --
28 well, first of all, do you see this kind of thing developing

1 in Sacramento where you have various agencies, each doing
2 their own things, and acting kind of in a non-coordinated
3 way? Do you see that developing?

4 MR. ROPER: No. I think we have various departments
5 that are charged with developing a specific plan in one
6 particular area, for instance transportation, air quality,
7 and various agencies, but I think there is --

8 THE CHAIRMAN: You don't see any lack of coordination?

9 MR. ROPER: No. I don't think that becomes the major
10 problem. I think where there might occur to be a lack of
11 coordination is that we don't have the overall goal that
12 we -- that each one of these departments should be trying
13 to achieve. For instance, what is our goal in land use
14 planning? And we can develop something in transportation
15 that might be exactly contrary to that goal in conflict
16 with that goal which is yet unstated. We can develop a
17 transportation plan that fits into an air quality plan,
18 or an air quality goal, perhaps, but as the gentleman stated
19 earlier, that might in turn be in conflict with the land use
20 goal.

21 THE CHAIRMAN: Or an energy goal?

22 MR. ROPER: Or an energy goal. And I think that what
23 we need is a clear-cut set of those goals -- and then
24 perhaps that is an over simplification to think that we
25 can ever get there. But I think it is something we strive
26 to achieve. Then each of the implementations could shoot
27 for that goal.

28 THE CHAIRMAN: Yes, but you also need to coordinate

1 their efforts so that they see the goals in the same kind
2 of way.

3 MR. ROPER: Yes.

4 SENATOR STULL: Yes. A goal for Eureka wouldn't be
5 the same as one for Los Angeles.

6 THE CHAIRMAN: No, that's true.

7 You wanted to ask something else?

8 MR. HARRIMAN: Well, if you don't mind, I would like
9 to ask you who you had the most trouble with in your attempt
10 to try to set up the California transportation plan. I
11 don't mean individually, but by general type, is it other
12 state agencies, local governments, environmentalists. I
13 don't know who it would be. When we ask the question about
14 interfaces, we were asking about interfaces between local
15 and regional governments, regional and state, state agencies,
16 local agencies, state agencies, citizenry, who is giving
17 you the most difficult -- what has been the most difficult
18 kind of conflict resolution area for your agency?

19 MR. ROPER: Oh, I think that probably the greatest
20 difficulty has been this new thing called a region, SCAG.
21 The acceptance of that by local agencies. They view it as
22 another level of government. The SCAG organization, and
23 organizations similar to it, regional level of government
24 council with reference, has been given a lot of authority
25 in the transportation planning process to maybe '69 through
26 recognition of those agencies by the governor as the clear-
27 ing house. Now, at the same time, then that the local
28 entities are being asked to recognize SCAG, to work with

1 SCAG, and see SCAG make some very very crucial decisions,
2 at that same time, we have been having to develop this
3 California transportation plan which the first step of that
4 is the development of the regional transportation plan. So
5 I think we are feeling some organizational pangs at the
6 same time that we have a very very tight time limit. I
7 think that over the last year remarkable strides have been
8 made. A year ago, I wouldn't have believed that we were
9 going to make it. And now, I think that SCAG is developing
10 strength, and they are pulling the local governments into
11 their decision-making process. There is a big problem too
12 with interface with the communities, with the citizens.
13 And the transportation planning process had really concen-
14 trated on citizen participation. And that isn't something
15 that just happens. That is something that you have to beat
16 the bushes and cultivate, and encourage people to partici-
17 pate, and then I think you have to show that you are willing
18 to respond to some of their suggestions, and encourage more
19 participation.

20 I think those are probably the two greatest
21 problems we have had. Obviously, with the number of cities
22 we have in Los Angeles County in the SCAG region, to get a
23 total agreement is virtually impossible. So I think there
24 has had to be a lot of give and take. And I think fortun-
25 ately there has been a lot of give and take on the part of
26 the locals, and on the part of SCAG, and on the part of the
27 state with this transportation plan.

28 THE CHAIRMAN: I don't know how you can possibly divide

1 the state transportation plan without doing some very com-
2 prehensive types of planning. Just as you say, you have to
3 have all these other gimmicks. You have to know what kind
4 of housing needs need to be met, and how they should be met.
5 You need to know what kinds of density you want to deal with.
6 You have to know what other social and economic and environ-
7 mental kinds of goals the state has before you can have a
8 transportation plan. Now, how are you dealing with that?

9 SENATOR STULL: And when is it due?

10 MR. ROPER: The regional plans are due for adoption
11 in April, April 1st.

12 THE CHAIRMAN: How are you dealing with these other
13 kinds of goals that are -- obviously transportation is
14 secondary as you have indicated to these other things.

15 MR. ROPER: The goals that we have been forced to use,
16 simply because of this tight time limitation, and it goes
17 to the legislature the 1st of January, '76, we have had to
18 go to the local agencies. We have had to go to the regions
19 and ask them what their land use goals are.

20 THE CHAIRMAN: Have you expressed particular goals to
21 which the transportation element or to which transportation
22 is addressed in terms of primary goals?

23 MR. ROPER: Yes.

24 THE CHAIRMAN: Do you talk specifically about housing?
25 Do you talk specifically about air quality? Do you talk
26 specifically about some of these other standards? Do you
27 actually express these goals as some kind of consensus
28 from the various governmental agencies with which you

1 communicated?

2 MR. ROPER: Yes. Now, in the make-up of the California
3 transportation plan, it comes from the bottom, the locals
4 have their input into the regions.

5 THE CHAIRMAN: But do you come to some kind of con-
6 clusion as to what the consensus of all these agencies is
7 in housing and in air quality and in all of the other kinds
8 of things?

9 MR. ROPER: Well, at this point in time, we are relying
10 primarily upon the region, SCAG, to do that. And SCAG has
11 adopted land use goals.

12 THE CHAIRMAN: Of course this is a statewide plan,
13 right?

14 MR. ROPER: Correct. But it's built upon 41 regional
15 plans. And then you have to superimpose statewide interests
16 upon it.

17 THE CHAIRMAN: I hope you are talking about some state-
18 wide transportation too?

19 MR. ROPER: That is where I am superimposing statewide
20 interests and that's where there is a major void in trying
21 to bring together those 41 plans into a statewide plan,
22 which will serve state goals, because the state land use
23 goals are not there. It's very very difficult to say the
24 least.

25 THE CHAIRMAN: The next question is that of inducing
26 citizen participation in that process. Has your approach
27 been different in different regions, and have you done any-
28 thing that you considered to be unusual? How much success

1 have you had with regard to general citizen participation
2 in the process?

3 MR. ROPER: We have had a reasonably high degree of
4 success. As we moved into the California transportation
5 plan and that planning process, and as I said, it does stress
6 citizen participation all the way along. It has -- the main
7 thrust has been identifying every organization you can that
8 might have any interest at all in transportation, meeting
9 time and again with all those interests, listening to them,
10 developing -- starting to develop goals, taking those goals
11 back, getting more citizen input, and finally adopting goals
12 from those goals, start developing actual transportation
13 plans. And its just been a continuous back and forth
14 process with public --

15 THE CHAIRMAN: Has this been more or less the same
16 process in each of the regions?

17 MR. ROPER: Yes. And it has also been carried on at
18 the state level, from the state level, going out into the
19 community workshop sessions. I think that probably one of --
20 the big key is the stressing of workshop sessions, rather
21 than formal hearings. Yes, you have to have formal hearings
22 to meet certain legal requirements to make a matter of
23 record.

24 THE CHAIRMAN: But you do send staff out to meet with
25 these various organizations and just rap with them essen-
26 tially?

27 MR. ROPER: It is very very time consuming, but --

28 THE CHAIRMAN: How do you amalgamate and distill all

1 this -- each of the staff that meets with these various
2 organizations then makes a memorandum of his conversations,
3 and you try to distill all that?

4 MR. ROPER: And then I think too, you start to identify
5 issues. One group wants one thing, and one group wants
6 another thing, and then a very good way to try to tackle
7 that to some degree is to get those groups together --
8 representatives of those groups together and point out that
9 apparently your goals and apparently this other fellow's
10 goals are not in accord, and we have got to give and take
11 somewhere along the line. But it takes a lot of time, and
12 a lot of effort.

13 THE CHAIRMAN: Thank you very much for your testimony.
14 You have been very helpful.

15 I see that Mr. Stevens and Mr. Yost are here.
16 I would like to have your testimony now, if you are pre-
17 pared to do that. The Office of the State Attorney General.

18 MR. STEVENS: Thank you, Mr. Chairman, and Senator
19 Stull. We appreciate being invited to appear today.

20 The first question you might ask is what is the
21 attorney general doing in a hearing on land use. Well, it's
22 a problem that has become increasingly apparent to us in
23 our responsibilities. The attorney general is the chief
24 law officer in the state, of course, and it's his duty to
25 see that the laws are uniformly and adequately enforced.
26 These laws include laws on air pollution, on water pollution,
27 solid waste, increasingly a number of subjects that tend to
28 lead back to land use problems.

1 The problems of air pollution are accentuated
2 by divisions of land use, and the problems of water pollu-
3 tion are in turn caused by placement of various developments.
4 The need for some kind of an integrated and comprehensive
5 scheme of environmental management has become increasingly
6 apparent to us.

7 With me is Nick Yost, who is the head of our
8 environmental unit, and he is here to discuss the principles
9 that we feel are essential, if we are going to have some
10 sense in environmental management, and if we are going to
11 have a scheme in the State of California that is not dic-
12 tated in essence by irrelevant statutes, federal laws, and
13 at times by the EPA, itself.

14 MR. YOST: Let me also thank you Senator Gregorio,
15 Senator Stull, for inviting us to be here today.

16 As Mr. Stevens has said, our office has, through
17 its experience in representing various agencies and in
18 dealing with its own constitutional and statutory powers
19 become convinced of the need for integrated environmental
20 management of not viewing land use as one more single-
21 purpose agency at the state level, but instead seeing the
22 environment for the state as a whole with land use as a
23 necessary and perhaps the most important part of offset
24 regulation.

25 If you look at the example of waste, for instance,
26 you burn something, it's air pollution. You dump it in the
27 river, it's water pollution. You bury it, and it's a solid
28 waste problem, and you have different regulatory agencies,

1 each of whom are looking at one aspect of what's happening.
2 And it's in nobody's interest for that to continue, because
3 you just have a bunch of people who say no, because you
4 don't have somebody who can look at all the environmental
5 effects and say that this is the least worse way of dis-
6 posing of the particular waste. We would support the con-
7 cept of the California Conservation Development Plan.
8 Within this would be the identification of areas of critical
9 state concern.

10 SENATOR STULL: Mr. Chairman?

11 THE CHAIRMAN: Yes.

12 SENATOR STULL: Words like that disturb me. Now, are
13 you saying we would support it based on an opinion of who-
14 ever is sitting in the attorney general's chair, or your
15 office, or you would support it on a basis of the consti-
16 tutionality, or law setup, or what does that mean, "we
17 would support it."

18 MR. YOST: Support in the sense that the present
19 attorney general, with input from the attorneys who have
20 been representing agencies in state government involved
21 in these matters for many years has decided that this is
22 the most appropriate way to go. Of course, any question
23 whether a given matter is constitutional, legal, or other-
24 wise, would have to depend on the particular proposal.
25 And as you know, we are apt not to comment on the constitu-
26 tionality or the legality of a proposal, unlike the legis-
27 lative council while the matter is pending, because should
28 it pass, it becomes incumbent upon the attorney general to

1 defend it whatever it is.

2 SENATOR STULL: What I am getting at is: Why should
3 the attorney general have an opinion on this other than an
4 opinion on the law itself?

5 MR. YOST: It is an opinion based upon being in the --
6 in the one state agency perhaps which deals within the
7 executive, as distinguished from the legislative branch,
8 which deals with all, since it represents all different
9 agencies of California government. It's in a position to
10 hopefully give a helpful opinion as to what would be a
11 useful way to proceed given the background of people within
12 the office.

13 SENATOR STULL: We have just come through a campaign,
14 and we heard a couple of candidates for that office say
15 they were for law and order. But I don't know that any of
16 them -- either one of them gave their views on an environ-
17 mental plan for California. I didn't read about it.

18 MR. YOST: Well, Attorney General Younger did issue
19 some time before the campaign, in fact, in January of this
20 year, a position paper on the issue of land use and envir-
21 onmental management which we are addressing today, and as
22 a result of study of the matter over years by the office
23 and to guide people within the office in their future posi-
24 tions in the statements that they made.

25 MR. STEVENS: If I could amplify a little bit more,
26 I think that always it's been our conclusion that if you
27 don't have some kind of integrating management plan now
28 that the laws are just uniformly endorsed. Water pollution

1 laws are going to exercise a particular kind of thrust on
2 the subdivision, and air pollution laws will have a differ-
3 ent effect and at the same time we have not only laws on
4 different subjects at the state level, but we have them at
5 the federal and the local levels as well. So in order to
6 see that the laws are uniformly and adequately enforced at
7 the federal, state, and local levels, all kinds of pressures
8 are going to be brought to bear upon the innocent developer
9 or the person who wants to build a house, or a cabin on the
10 coast, or whatever. And unless we make an effort to bring
11 these laws together, and to see how they are going to oper-
12 ate in a given area, the citizens who are subject to them
13 are really going to suffer. Environment and the citizens
14 alike are going to suffer unless we bring some integration
15 into this picture.

16 SENATOR STULL: Then we are talking about the attorney
17 general in the field of law, not in the field of an opinion
18 of the attorney general?

19 MR. STEVENS: We are talking about him as an attorney
20 for the people of the state, and also as an attorney who
21 represents the people of the state, and is interested in
22 the preservation of the environment. So we are interested
23 in the people who are trying to live in this environment,
24 and we are interested in the way the laws operate upon them.

25 THE CHAIRMAN: But we are talking about formulation
26 of policies, and I think that --

27 MR. STEVENS: We talk about the desirability of this
28 policy for legal reasons and for environmental reasons both.

1 SENATOR STULL: I keep thinking the law to be pure.
2 I am not an attorney. And over the years, that view has
3 sort of been dimmed in Sacramento, but I guess what I was
4 trying to do was to separate the law as one section as
5 opposed to an opinion on environment from an individual
6 who happens to be the attorney general of the next four
7 years.

8 MR. STEVENS: I think one problem, Senator -- I think
9 it was Wendell Holmes who said, "The law is an expression
10 of the felt necessities of the times, and the law tends to
11 change as the necessities change the people who are subject
12 to it."

13 THE CHAIRMAN: And the law deals with reality. Would
14 you like to state again what the attorney general supports?

15 MR. YOST: Certainly. The concept of the California
16 Conservation Development Plan within which would be the
17 identification of areas of state -- of critical state con-
18 cern including, but not limited to such matters as prime
19 agriculture, environmentally unique major urbanized areas,
20 and then within each of these areas to specify and define
21 elements of plans such as transportation needs, housing
22 patterns, agricultural potential, land carrying capacity.
23 In other words, something which is not confined to environ-
24 mental values alone, but which also recognizes economic and
25 social factors. And the plan would then list basic guide-
26 lines for future development within each region, and any
27 change in land use would then have to conform to those guide-
28 lines much the same way as now zoning and so on must conform

1 to the general plan under recent legislation.

2 THE CHAIRMAN: In other words, you are saying that
3 local agencies would be required to follow this?

4 MR. YOST: That's correct. And the plan itself should
5 be subject to legislative review either through affirmative
6 action, or through veto, but at any rate, not something
7 adopted by an agency without opportunity for the legisla-
8 ture to take its position on it.

9 The plan should be the responsibility of the
10 state agency created for the purpose. Its initial charge
11 would be to come up with the areas of critical state con-
12 cern in which there would be inter-permit requirements
13 similar to those the BCDC and the Coastal Commission's
14 pending adoption plan. We have also come to feel increas-
15 ingly the tax assessment policies in fact influence land
16 use policies in substantial measure, but are not, other
17 than recognizing that it's a problem, don't pretend to
18 have a solution to how they should be restructured. And
19 in conclusion, good planning will not stop growth and
20 development, but will insure that enhances and doesn't
21 degrade the environment, and the living conditions of
22 California. We would be glad to answer any question that
23 we can.

24 THE CHAIRMAN: I'd like to know a little bit more
25 about how you conceive this planning mechanism. Parti-
26 cularly what input you would have for citizens, and for
27 local governments, who are formulating this statewide
28 policy, with relation to these various parameters that

1 you mentioned. How would you see that coming? It sounds,
2 as you described it, as the kind of process that basically
3 came from the top down, rather than from local governments
4 up to the state. Is that how you conceived it?

5 MR. YOST: That's a generally accurate statement. How-
6 ever, we would see that it would be the responsibility of
7 the state agency in preparing the plan to give the maximum
8 consideration possible to the plans that have been prepared
9 at a local government level. We have not locked ourselves
10 in to any particular structure in the sense of whether there
11 should be a board or administrator, or just who should be
12 doing it. That whatever is done, it has to be done with a
13 maximum of citizen participation.

14 THE CHAIRMAN: How do you do that?

15 MR. YOST: Let me say that in trying to respond to
16 that question I'm going beyond what is exactly in our posi-
17 tion paper, which talks in more general terms, but --

18 THE CHAIRMAN: Were you here when the representative
19 of the Department of Transportation was talking about for-
20 mulation of the transportation plan to the state, and the
21 kind of things that they were doing to get citizen parti-
22 cipation in that plan?

23 MR. YOST: I heard part of that, but not all of that.

24 THE CHAIRMAN: It's a very laborious process, and of
25 course, they are talking only about one part of the program.
26 It would seem to me to be very very difficult for the state
27 at the -- at that level, to try to get the meaningful kind
28 of participation that would enable them to formulate

1 statewide policy, which would then bind regional and local
2 agencies.

3 MR. YOST: There is no -- as you and the legislature
4 in doing that all the time know, I mean it's an incredibly
5 difficult problem. And I can only think in terms of having
6 the maximum degree of hearings, meetings, and so on, at
7 both sort of preconceptual stage, when you are just trying
8 to invite everybody's ideas in an open-ended fashion, and
9 then later on as proposals are formulated, then hearings
10 and meetings and so on on those proposals.

11 SENATOR STULL: Wouldn't it make it more difficult if
12 you started at the top and went down?

13 MR. YOST: Well, it is in no way the intention to get
14 into the matter which is really of local concern, and
15 whether there should be zoning -- zone change for a gas
16 station on a particular corner type of thing, but for major
17 decisions which effect different regions of California, for
18 instance, the Los Angeles basin, has got so much air pollu-
19 tion that it has exceeded its carrying capacity, and it
20 ceases to be a healthy place to raise children, and so on,
21 and there are other places like Lake Tahoe which the legis-
22 lature decides are places that we want to preserve for the
23 benefit of all Californians and future generations of
24 Californians. And if because of food shortages and so on,
25 we choose to preserve prime agricultural land that might
26 otherwise be subject to development, because that is a
27 greater needed use, it seems to me incumbent upon the state
28 at the same time to say, not just saying no to everybody,

1 but to be saying that there are areas in which such growth
2 will take place. This is the least worse area, and our
3 transportation planning and so on should be such as to
4 guide it into that area. So for this general kind of over-
5 all planning of the state, not of what's on -- not within
6 a community, the kinds of things that local government
7 traditionally has done and should do, and which citizens
8 have their input, but things which relate to planning of
9 the state as a whole, only the state can do that.

10 THE CHAIRMAN: Are you finished?

11 SENATOR STULL: I'm finished.

12 THE CHAIRMAN: Do you have questions?

13 MS. CARTER: It's my understanding from talking to
14 some other officials in state agencies that getting down
15 to CEQA and the attorney general's role in enforcing that,
16 that there has been a number of EIR violations -- for example,
17 if local governments devise a general plan that doesn't sub-
18 mit any EIR's on it that haven't been prosecuted by the
19 attorney general's office for whatever reason, lack of
20 resources, and that you only go after major EIR violations.
21 I was wondering if you could comment on whether or not this
22 is the case, and if so, how do you deal with those other
23 EIR violations? Would they just be overlooked? Should
24 CEQA be revised, or should we have something like a policing
25 unit specifically to deal with the EIR's within the attor-
26 ney general's office?

27 MR. YOST: I think with -- you have obviously hit at
28 something which is important. That with four hundred some

1 cities, and 58 counties, there is just a limited amount of
2 time that can be devoted to anything in getting into liti-
3 gation involving CEQA in which, as you know, we have been
4 particularly heavily involved. We do do exactly what you
5 said, look for major violations where the legislative com-
6 mand, in passing the California Environmental Quality Act
7 is not being implemented, and we also look for matters
8 where precedents will be established. Particular cases
9 which, while arising in one location, are going to be of
10 statewide significance in the outcome of the case. And
11 it's just a question of using limited resources as wisely
12 as you can, so as to do the most effective job possible.

13 MS. CARTER: Well, what do you think this says about
14 the effects of CEQA? Do you think that there are violations
15 that you passed over that really are important for a parti-
16 cular area, for say a region if not for the state?

17 MR. YOST: Well, one of our purposes in trying to
18 establish precedents to see that everything isn't dependent
19 upon the state to do it. First you establish a precedent
20 on a particular point, and hopefully the city attorney or
21 the county council is then going to advise his or her board
22 of supervisors, or city council of the legal way in which
23 to proceed. Secondly, in trying to develop precedents, we
24 hope that there are going to be such as can be used by
25 others than those in state government. In other words,
26 citizens who enforce CEQA in courts and NEPA has been
27 enforced by citizens in courts. That everything doesn't
28 have to be done from the state level. We have consciously

1 as a statewide office, tried to get involved in matters of
2 statewide concern, not matters of purely local concern, but
3 hoped the precedents that we have helped establish, will be
4 useful to both local officials and local citizens in seeing
5 that the law is on a local level properly carried out.

6 THE CHAIRMAN: Were you finished with that?

7 MS. CARTER: Yes.

8 THE CHAIRMAN: We had some suggestion earlier today
9 that we need a substantial revision of the whole CEQA law,
10 and that perhaps we need a differentiated treatment some-
11 times between public and private development, and also see
12 more effective means of doing something about the conditions
13 that are revealed in the reports that are made.

14 Do you have any reaction to that?

15 MR. YOST: That's a rather general -- I missed the
16 testimony to which you are referring. Our office has not
17 taken any position upon revisions of CEQA, though we are
18 considering that as part of legislative recommendations
19 for next year. One of the factors which has influenced
20 our consideration is the fact that the assembly has asked
21 the local government committee, which in turn has contracted
22 both with a consultant, and is setting up an advisory com-
23 mittee to oversee the more general question whether CEQA
24 needs revision in any massive sort of way, and that is being
25 undertaken by CEQA. We have offered to cooperate in that
26 in any way possible. Should we propose legislation during
27 the coming year, it would be not of a massive nature, but
28 more minor types.



1 THE CHAIRMAN: Thank you very much.

2 MR. YOST: Thank you very much.

3 THE CHAIRMAN: Is there anyone else who desires to
4 testify this afternoon?

5 Apparently we do not have a representative from
6 the California Farm Bureau Federation. They had previously
7 indicated they wanted to testify.

8 If there is no other person desiring to testify,
9 then, the hearing will be closed.

10 Thank you very much.

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